

Authority: Item 2, Emergency & Community Services Committee Report 23-010
(PED23072)
CM: August 18, 2023 Ward: City Wide

Bill No. 054

CITY OF HAMILTON
BY-LAW NO. 24-

Safe Apartment Buildings By-law

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and enhance the municipality's ability to respond to municipal issues;

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a single-tier municipality with the broad authority to pass by-laws respecting the economic, social, environmental well-being of the municipality, the health, safety and well-being of persons, the protection of persons and property and business licensing;

WHEREAS subsection 391(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

WHEREAS section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may require a person, subject to such considerations as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25.;

WHEREAS section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of a municipality has been complied with; and

WHEREAS sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and do work to correct the contravention.

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

PART 1 – TITLE AND INTERPRETATION

Short Title

1. This By-law may be referred to as the “Safe Apartment Buildings By-law”.

Definitions

2. In this By-law:

“**Administrative Penalty**” means any administrative fee pursuant to the City of Hamilton’s Administrative Penalties By-law 17-225;

“**Apartment Building**” means a purpose-built building, or related group of buildings, with two (2) or more storeys and six (6) or more Rental Units which share at least one (1) Common Area and includes the lands and premises on which the building is located on, but does not include a condominium, a long-term care home, a licensed residential care facility, a licensed retirement home, a lodging home or a housing co-operative;

“**Audit**” means an Inspection and assessment of the physical condition of an Apartment Building, its systems and site components, subsequent to a failed Evaluation, to determine compliance with applicable laws;

“**By-law**” means this By-law;

“**City**” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**Common Area**” means a shared area or areas inside or outside of an Apartment Building available for the use of its Tenants including, but not limited to, vestibules, lobbies, hallways, stairs, elevators, underground parking, outdoor areas on the premises, meeting rooms, exercise and recreational facilities and garbage storage areas;

“**Council**” means the Council of the City of Hamilton;

“**Director**” means the City’s Director of Licensing and By-law Services and their designate or successor;

“**Domesticated Mouse or Rat**” means a mouse or rat:

- (a) kept as a pet by the occupiers of a Rental Unit, building or structure, normally in an enclosed cage or container within the Rental Unit, building or structure;
- (b) cared for and fed by the occupiers, which care includes clean up and removal of mouse or rat waste and soiled rodent bedding from the Building or Structure and cage or container; and
- (c) kept in compliance with any applicable animal control laws or by-laws;

“Evaluation” means an Inspection performed by an Officer on an Apartment Building to assign a score for maintenance practices and standards using criteria developed by the City;

“Infestation” includes, but is not limited to:

- (a) in the case of mice, rats, bed bugs, fleas, cockroaches or Fire/European ants, evidence of an active infestation including, but not limited to burrows, feces, eggs, nests or other indications of an infestation;
- b) in the case of ants, but not including Fire/European ants, the presence of any occupied nest in the interior of a building; or
- (c) in the case of wasps or hornets, the presence of any occupied nest attached to the interior or exterior of a building or structure;

“Inspection” means an inspection performed by an Officer in accordance with this By-law and includes an Evaluation and Audit;

“Licensing By-law” means the City’s By-law to License and Regulate Various Businesses 07-170;

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“Officer” means a provincial offences officer, or a person appointed under the authority of a municipal by-law or by Council to enforce City by-laws;

“Operator” means the superintendent or property manager or any other person who may take on some or all of the roles relating to permitting occupancy, but does not include an Owner;

“Owner” means any person or persons who have any legal right, title, estate or interest in an Apartment Building and shall include, but is not limited to, a landlord, lessor, sublessor or other person permitting the occupation of a Rental Unit, their agents, heirs, assigns, personal representatives and successors in title;

“Penalty Notice” means a penalty notice given to a person pursuant to the Administrative Penalties By-law No. 17-225.

“Pest” includes, but is not limited to, any mouse, rat, ant, bed bug, flea, wasp, hornet, cockroach or any other rodent, insect or otherwise that the City considers to be a pest, but does not include any Domesticated Mouse or Rat;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, party or body corporate, and the personal or other legal representatives of a person to whom the context can apply according to the law;

“Plan” means a written procedure required by the City, and includes but is not limited to, a cleaning plan, electrical maintenance plan, state of good repair plan, integrated pest management plan, waste management plan and vital services disruption plan;

“Property Standards By-law” means the City’s Property Standards By-law 23-162;

“Rental Unit” means any living accommodation used or intended for use as a rented residential premises;

“Tenant” includes a person who pays rent in return for the right to occupy the Rental Unit and includes their heirs, assigns and personal representatives, but does not include a person who has the right to occupy a Rental Unit by virtue of being an Owner of the Apartment Building in which the Rental Unit is located or a shareholder of a corporation that owns the Apartment Building;

“Tenant Service Request” means any communication from a Tenant to an Owner for the purpose of identifying and rectifying concerns regarding their Rental Unit or the Apartment Building;

“User Fee By-law” means the City’s User Fees and Charges By-law No. 23-112;

“Vital Service” means hot or cold water, fuel, electricity, gas or, during the part of each year prescribed by the regulations, heat;

“Vital Services By-law” means the City’s Vital Services By-law No. 23-XXX.

3. A term not defined in section 2 of this By-law shall have the same meaning as the term in the Building Code Act, 1992, S.O. 1992, c.23 or the City’s Property Standards By-law.
4. In this By-law,
 - (a) a word importing the masculine, feminine or neutral gender only includes members of the other genders;
 - (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
 - (c) a reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution therefor or amendment thereof;
 - (d) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;

- (e) words and abbreviations which have well-known technical or trade meanings are used in the By-law in accordance with those recognized meanings; and
- (f) where an officer of the City is named, or a reference is made to an office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

Application of the By-law

- 5. This By-law applies to all Apartment Buildings and all Rental Units in Apartment Building in the City.

PART 2 – REGISTRATION REQUIREMENTS

Registration Required

- 6. No Owner shall operate or allow the operation of an Apartment Building that is not registered in accordance with this By-law.
- 7. An Owner shall at all times ensure that an Apartment Building complies with all applicable laws, including, but not limited to, applicable public health regulations, the Ontario Building Code, the Ontario Fire Code, and the City's Property Standards By-law.
- 8. Upon completing the application for registration required pursuant to section 10 of this By-law, the application shall be reviewed by the Director and, if the Director is satisfied with the contents of the application, the Director shall issue a registration certificate to the Owner.
- 9. A registration certificate issued under this By-law is non-transferable.

Application for Registration

- 10. The application for registration shall be signed by the applicant and shall contain the following information relating to each Apartment Building for which application is made:
 - (a) the Owner's name and contact information, including a mailing address, email address and telephone number;
 - (b) the name of a secondary contact and his/her contact information, including a mailing address, email address and telephone number;
 - (c) if there is an Operator of the Apartment Building, the Operator's name and contact information, including a mailing address, email address and telephone number;

- (d) a full description of the Apartment Building and the Rental Units in the Apartment Building, including street address, number of rooms and any other information about the Apartment Building and Rental Units in the Apartment Building as required by the Director;
 - (e) proof of general liability insurance for the Apartment Building, with a minimum per occurrence limit of \$2,000,000.00;
 - (f) security features existing at the Apartment Building including, but not limited to, locking systems, cameras and security services;
 - (g) a copy of each Plan as required pursuant to this By-law; and
 - (h) other information or documentation as may be required by the Director.
11. An Owner shall notify the Director, within seven (7) days, of any change to any information relating to the registration issued to the Owner pursuant to this By-law, including:
- (a) the name, mailing address, email address and/or phone number of the Owner, the primary contact and/or secondary contact listed on the most recent application for registration;
 - (b) the name, mailing address, email address and/or phone number of the Operator listed on the most recent application for registration; and
 - (c) the ownership of the Apartment Building.

Term of Registration

12. The registration of an Apartment Building expires on the anniversary of the date of its registration.
13. An Owner shall apply for registration in a form and manner satisfactory to the Director for each Apartment Building owned by that Owner every twelve (12) months and shall pay the fee specified in the City's User Fees By-law;

Posting of Registration

14. Every Owner that is registered under this By-law shall prominently display their registration in an inside Common Area at the Apartment Building which is visible to Tenants, prospective Tenants and visitors of the Apartment Building at all times.

False, Inaccurate and Misleading Information

15. No Owner shall provide inaccurate, misleading or otherwise incorrect information to the City.

16. Where the Director determines subsequent to the issuance of a registration that any or all of the information provided in section 10 of this By-law is inaccurate, misleading or otherwise incorrect, the Director shall notify the Owner in writing of such inaccurate, misleading or otherwise incorrect information.
17. Should the Owner fail to correct the registration within fourteen (14) calendar days of receipt of the notice provided pursuant to section 16 of this By-law, the Director shall revoke the Owner's registration without further notice to the Owner.

PART 4 – OWNER AND OPERATOR OBLIGATIONS

Application

18. This Part applies to all Apartment Buildings and Rental Units in an Apartment Building in the City.

Owner's Duties and Obligations

19. Every Owner and Operator of an Apartment Building is responsible for complying with this By-law and shall not use, permit the use of, rent or offer to rent any Rental Unit in an Apartment Building that does not conform to the minimum maintenance standards prescribed under the City's Property Standards By-law.

Tenant Service Requests Process

20. An Owner or Operator shall have a process for managing Tenant Service Requests.
21. The process for managing Tenant Service Requests shall include, at a minimum, the following:
 - (a) a means of receiving Tenant Service Requests;
 - (b) a means of maintaining a record of all Tenant Service Requests, which incorporates:
 - (i) the date and time the request was made;
 - (ii) the address and Rental Unit number to which the request relates;
 - (iii) the contact information provided by the Tenant;
 - (iv) a description of the issue, as reported by the Tenant;
 - (v) an evaluation of the urgency of the request, as set out in section 22 of this By-law;
 - (vi) a record of actions taken to address the request; and
 - (vii) the date and method by which the Tenant was notified of the resolution of the request;

- (c) a prioritization of incoming Tenant Service Requests to identify the urgency as set out in section 22 of this By-law; and
- (d) a verification if the Tenant has registered to be on the contact list of Tenants who have voluntarily chosen to self-identify as requiring assistance as set out in sections 31 and 32 of this By-law.

Urgent Tenant Service Request

22. For the purpose of subsection 21(c) of this By-law, an urgent Tenant Service Request is any such request made by a Tenant regarding their Rental Unit or the Apartment Building in relation to:
- (a) a loss or interruption to Vital Services;
 - (b) a breach of security of a Rental Unit or the Apartment Building.

Response to Tenant Service Request Required

23. An Owner or Operator who is in receipt of an urgent Tenant Service Request shall respond to the Tenant making the request within twenty-four (24) hours of the request being made.
24. An Owner or Operator in receipt of a Tenant Service Request that is not urgent shall respond to the Tenant making the request within five (5) days of the request being made.
25. An Owner or Operator shall maintain any information and records necessary to demonstrate compliance with the Tenant Service Request process as required by section 20 of this By-law.

Tenant Notification Procedures

26. An Owner or Operator shall erect or install a notification board in a central and prominent location inside a Common Area within the Apartment Building.
27. The most recent information relating to the following shall be posted on the Tenant notification board:
- (a) Planned or unplanned service disruptions to Vital Services involving more than one (1) Rental Unit in an Apartment Building or a disruption to elevator(s), including, but not limited to, information relating to the:
 - (i) nature of the disruption;
 - (ii) expected duration of the disruptions; and
 - (iii) Rental Unit numbers, if any, impacted by the disruption.

- (b) Major capital projects and all information relating to:
 - (i) the nature of the project;
 - (ii) duration of the project; and
 - (iii) Rental Units, if any, impacted by the project.
- (c) The name and telephone number of the emergency building contact that is available on a 24-hour basis;
- (d) Evaluation completed by an Officer for the Apartment Building;
- (e) Instructions for Tenants on how to:
 - (i) submit and follow up on a previously submitted Tenant Service Request;
 - (ii) report unresolved issues to the City; and
 - (iii) obtain a copy of a Plan required pursuant to this By-law.
- (f) Notice of any scheduled Audit by the City, posted at least thirty (30) days prior to the Audit date, which notice contains information for Tenants allowing them to provide their concerns about the Apartment Building or their Rental Unit to the Owner and the City;
- (g) Any orders or notices issued by the City that apply to a Common Area, including:
 - (i) an order issued in accordance with the City's Property Standards By-law;
 - (ii) a notice issued in accordance with the City's Vital Service's By-law.
- (h) Any notice of any appeal to an order made pursuant to an Inspection in relation to a Common Area of an Apartment Building;
- (i) Information in relation to any violation of the Ontario Fire Code as identified by Hamilton Fire;
- (j) Information on the voluntary list of Tenants requiring additional information referred to in section 30 of this By-law, including:
 - (i). the existence and purpose of the voluntary list of Tenants;
 - (ii). that the Tenant may request to be placed on the voluntary list of Tenants requiring assistance; and
 - (iii). the manner in which a Tenant who wishes to self-identify as requiring assistance.
- (k) information on the Safe Apartment Buildings By-law; and

(l) any other information or document required by the Director.

28. The Owner or Operator shall provide information to Tenants and prospective Tenants on the Safe Apartment Buildings By-law, including but not limited to, informing Tenants of the rating of the Apartment Building and the basis on which that rating was determined prior to the Tenant signing a lease agreement and on an annual basis thereafter.

29. The Owner or Operator shall provide a copy of the most recent Evaluation result document received by the Owner or Operator from the Director to any person who requests this document.

Voluntary List of Tenants Requiring Additional Assistance

30. An Owner or Operator shall have and maintain a list of Tenants who may require additional assistance during periods of evacuation, elevator disruption or temporary discontinuance of Vital Services.

31. The list of Tenants required in section 30 of this By-law shall be comprised of Tenants who choose to voluntarily self-identify to the Owner or Operator of the Apartment Building as needing assistance.

PART 5 – MINIMUM MAINTENANCE STANDARDS

32. This Part applies to all Apartment Buildings and Rental Units in Apartment Buildings in the City.

Use of Certified Tradespersons

33. An Owner or Operator shall demonstrate that they have retained or used the services of a certified tradesperson where required by law for activities including, but not limited to, servicing heat, ventilation, air conditioning and plumbing systems.

Integrated Pest Management Plan

34. Every Owner shall have an integrated pest management plan for an Apartment Building in accordance with this By-law.

35. The integrated pest management plan required pursuant to section 34 of this By-law shall include:

- (a) include a schedule of preventative inspections that are performed on a quarterly basis of each calendar year to inspect the age and condition of each Apartment Building;
- (b) require an Owner or Operator to inspect the Apartment Building for Pests in any area of the Apartment Building within seventy-two (72) hours of receiving

- a Tenant Service Request relating to suspected Infestations in any part of the Apartment Building;
- (c) standing treatment plans to be applied in the event of an Infestation of:
- (i) mice;
 - (ii) rats;
 - (iii) ants;
 - (iv) bed bugs;
 - (v) fleas;
 - (vi) wasps;
 - (vii) hornets;
 - (viii) cockroaches; and
 - (ix) any Pest that has re-occurred at the Apartment Building.
36. An Owner or Operator who is aware of the presence of Pests at the Apartment Building or a Rental Unit in an Apartment Building shall take adequate measures to:
- (a) prevent the spread of the Pests into other Rental Units and/or other areas of the Apartment Building;
 - (b) eliminate or exterminate the Pests in all areas where the presence of the Pests is detected; and
 - (c) ensure that the integrated pest management plan and any other educational information about pest infestation prevention is made available to Tenants.
37. The Owner and Operator shall maintain any information or records necessary to demonstrate compliance with the integrated pest management plan required by section 34 of this By-law.
38. The Owner or Operator shall retain a pest management operator or exterminator licensed by the Ministry of Environment to conduct all pest extermination or elimination activity.
39. No Owner or Operator shall take any action which is likely to:
- (a) cause the spread of the Pests into other portions of the Apartment Building or Rental Units in the Apartment Building; or
 - (b) prevent the control or extermination of Pests.
40. No Owner or Operator shall take any action or permit any person to take any action intended to obstruct or hide the presence of Pests in any part of an Apartment Building or Rental Unit in an Apartment Building.
41. No Owner or Operator shall fail to provide Tenants with a copy of an integrated pest management plan prior to treating an Infestation within their Rental Unit.

42. No Owner or Operator shall fail to post an integrated pest management plan in the lobby of an Apartment Building prior to treating an Infestation within a Common Area of that Apartment Building.
43. No Owner or Operator shall fail to have an area that has been previously treated for Pests re-inspected between 15 and 30 days from the date of completion of the initial treatment.
44. No Tenant shall fail to submit a Tenant Service Request to report an Infestation, suspected Infestation, or conditions likely to cause an Infestation.
45. No Tenant shall knowingly cause conditions which may attract or harbour Pests.
46. No Tenant shall fail to treat an Infestation of fleas, lice or ticks on an animal under their care.
47. No Tenant shall fail to abide by an integrated pest management plan developed pursuant to this By-law.

Waste Management Plan

48. Every Owner shall have a waste management plan for an Apartment Building in accordance with this By-law.
49. The waste management plan required pursuant to section 48 of this By-law shall include information on:
 - (a) the dates and times of garbage, recycling and, if applicable, organic material collection for the Apartment Building;
 - (b) the location and storage of garbage, recycling and, if applicable, organics material bins, or receptacles in or around the Apartment Building;
 - (c) a process for dealing with bulk waste, debris, excess garbage, recycling or other waste between collections.
50. An Owner or Operator shall clearly identify with posters in Common Areas of the Apartment Building the location and the proper receptacles for the deposit of garbage, bulk waste, debris, recycling and, if applicable, organic material.
51. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the waste management plan required by section 48 of this By-law.

Cleaning Plan

52. Every Owner shall have a cleaning plan for the Apartment Building in accordance with this By-law, which includes, but is not limited to:

- (a) an inspection schedule setting out the nature and frequency of inspections to be performed for the purposes of ensuring the cleanliness of the Common Areas and the Apartment Building;
- (b) a cleaning schedule setting out the nature and frequency of the cleaning services to be provided for all Common Areas in and around the Apartment Building; and
- (c) a process to address any unexpected health or safety hazards that require the cleaning of all or part of any Common Area.

53. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the cleaning plan required by section 52 of this By-law.

State of Good Repair Plan

54. Every Owner shall have a state of good repair plan for an Apartment Building in a form and manner satisfactory to the Director that includes a comprehensive five (5) year forecast of capital element and common element repairs and improvements necessary to:

- (a) protect or restore the physical integrity of any part of the Apartment Building;
- (b) maintain the provision of Vital Services;
- (c) maintain or improve the security of any part of the Apartment Building; or
- (d) maintain the safe movement of persons.

55. A state of good repair plan referred to in section 54 of this By-law shall include a list of the capital and common elements of the Apartment Building and a date upon which any of the capital and common elements of the Apartment Building will be scheduled to be replaced, repaired or updated.

56. For the purposes of section 55 of this By-law, capital and common elements shall include:

- (a) roofs;
- (b) elevators;
- (c) building facades;
- (d) windows;
- (e) major mechanical and air treatment systems;
- (f) garages;
- (g) interior flooring and wall finishes;

- (h) balconies;
- (i) guardrails;
- (j) stairwells and stairwell handrails; and
- (k) building access and emergency exit doors.

57. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the state of good repair plan required by section 54 of this By-law.

58. An Owner or Operator shall provide a copy of the state of good repair plan to any Tenant or prospective Tenant within five (5) business days of receiving a request.

Electrical Maintenance Plan

59. Every Owner shall have and maintain an electrical maintenance plan for an Apartment Building in accordance with this By-law.

60. An Owner and Operator shall maintain an electrical maintenance plan in collaboration with an electrical contractor holding a valid ECRA/ESA Electrical Contractor licence issued by the Electrical Safety Authority.

61. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the electrical maintenance plan required by section 59 of this By-law.

Vital Service Disruption Plan

62. Every Owner shall have a vital services disruption plan for an Apartment Building in accordance with this By-law.

63. An Owner or Operator shall maintain a vital services disruption plan for the Apartment Building and such vital services disruption plan shall include preventative measures and processes to address any potential disruptions to Vital Services.

64. Any document required to be posted to the Tenant notification board with respect to any disruption to Vital Services in an Apartment Building pursuant to subsection 27(a) of this By-law shall be posted:

- (a) within twenty-four (24) hours of the occurrence of any unplanned Vital Service disruption;
- (b) a minimum of twenty-four (24) hours prior to any planned service disruption.

65. The Owner or Operator shall maintain any information or records necessary to demonstrate compliance with the vital services disruption plan required by section 62 of this By-law.
66. An Owner or Operator who does not implement the vital services disruption plan in accordance with this By-law during a time of prolonged Vital Service disruption is guilty of an offence.

PART 6 – RECORD KEEPING REQUIREMENTS

67. An Owner or Operator shall create, maintain and retain records necessary to demonstrate compliance with this By-law.
68. The records referred to in section 67 of this By-law shall include, but are not limited to:
- (a) Tenant Service Requests referred to in section 20 of this By-law;
 - (b) logs of all scheduled or unscheduled cleaning activities including, but not limited to, the nature of the cleaning activity and the date and location on which it occurred;
 - (c) logs of all scheduled or unscheduled activities relating to the waste management plan including, but not limited to, the nature of the activity and the date and location on which it occurred;
 - (d) logs of all scheduled or unscheduled pest inspections including, but not limited to:
 - (i). the date and location of all proactive and reactive pest inspections;
 - (ii). the name of the pest management operator or exterminator licensed by the Ministry of Environment retained to conduct inspections; and
 - (iii). the results of the inspection, including the recommended treatment, if any;
 - (e) logs of all pest treatment activities including, but not limited to:
 - (i) the date and location of the treatment;
 - (ii) the name of the pest management operator or exterminator licensed by the Ministry of Environment undertaking the treatment; and
 - (iii) the nature of the treatment.

- (f) logs of service and maintenance conducted on fuel burning appliances, heating systems, cooling systems, electrical systems, ventilation systems and plumbing systems including, but not limited to:
 - (i) the date and nature of the service; and
 - (ii) the name of the certified tradesperson who carried out the service or maintenance, if applicable.

69. Any Plan required pursuant to this By-law shall be available for review by the Director forthwith upon receiving an initial registration certificate pursuant to section 8 of this By-law with respect to the Apartment Building and any renewal of the registration certificate thereafter.

70. An Owner or Operator shall provide a copy of a Plan required pursuant to this By-law to any Tenant forthwith after receiving a written request for same.

71. An Owner or Operator shall provide a copy of the most recent Evaluation completed by the City for the Apartment Building to any Tenant forthwith after receiving a written request for same.

72. All records created in accordance with section 68 of this By-law shall be maintained by the Owner or Operator and stored in a secure and accessible manner for a period of no less than thirty (30) months from the date that the record was created.

PART 7 – INSPECTIONS

73. An Officer is authorized to conduct Inspections of an Apartment Building to determine compliance with this By-law and the Owner shall be responsible for the fees associated with such Inspections as set out in the City's User Fees By-law.

74. An Owner or Operator shall, upon receiving notification of an Inspection, make arrangements for a representative of the Owner or Operator to be in attendance for the entire duration of the Inspection, when required by an Officer.

75. Upon request by an Officer, an Owner or Operator shall provide access to conduct Inspections any room of an Apartment Building not actively being occupied or used as a Rental Unit at any reasonable time to confirm compliance with this By-law.

76. An Officer is authorized to conduct an Audit of any Apartment Building that requires further investigation and is further authorized to re-inspect such Apartment Building to determine whether the Owners or Operators are complying with any issued orders and is further authorized to take any other action necessary and authorized by law.

PART 8 – PROHIBITION ON RENTING NON-COMPLIANT RENTAL UNITS

Prohibition on Rental of Vacant Rental Units in an Apartment Building

77. No Owner or Operator shall rent out a Rental Unit in an Apartment Building to a new Tenant if there is a property standards order issued by the City pursuant to the City's Property Standards By-law against that Rental Unit.
78. No Owner or Operator shall rent out a Rental Unit in an Apartment Building to a new Tenant during a period of time where there is a discontinuance of any Vital Services in the Rental Unit.
79. No Owner or Operator shall rent out a Rental Unit in an Apartment Building to a new Tenant if the Owner or Operator knows of the presence of Pests in the Rental Unit.

PART 9 – ADMINISTRATION AND ENFORCEMENT

Fees

80. All fees referred to in this By-law and all fees for services, including applicable Audit, Evaluation and Inspection fees, shall be as set out in the City's User Fees By-law, or as otherwise set and approved by Council from time to time.

Administration and Enforcement

81. The administration and enforcement of this By-law is assigned to the Director who shall perform all of the functions conferred upon them by this By-law.
82. The Director may delegate any responsibilities conferred upon the Director under this By-law to an employee of the City.

Power of Entry

83. An Officer may enter upon land at any time in accordance with section 436 of the *Municipal Act, 2001* for the purpose of carrying out an Inspection to determine whether or not the following are being complied with:
- (a) this By-law;
 - (b) a notice or order issued pursuant to this By-law.
84. For the purpose of an inspection carried out under this By-law, an Officer may:
- (a) require the production of documents or things relevant to the Inspection;
 - (b) review and remove documents or things relevant to the Inspection for the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to the Inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the Inspection.

Orders and Remedial Action

85. An Officer who finds a contravention of this By-law may issue one (1) or more notices or orders against the Owner or Operator directing that the contravening activity be discontinued or that work be done to correct the contravention.
86. If an Owner or Operator fails to comply with a notice or order issued under section 85 of this By-law, an Officer may enter upon lands at any reasonable time for the purposes of doing the corrective actions described in the notice or order at the Owner's expense.

Notices

87. Unless otherwise specified in this By-law, a notice or order served in accordance with this By-law may be served personally, by regular mail or by email to the last known mailing address or email address on record for the person to whom it is directed.
88. If the City is unable to effect service under section 87 of this By-law, or the delay necessary to serve a notice or order would result in an immediate danger to the health or safety of any person, a placard stating the terms of the notice and placed in a conspicuous place upon land on or near the Apartment Building shall be deemed to be notice to the person to whom the notice is directed.
89. The City may recover the costs of doing the matter or thing as directed pursuant to the notice or order issued under section 85 of this By-law by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Penalties and Offences

90. No person shall:
- (a) fail to comply with a notice or order issued under section 85 of this By-law;
 - (b) hinder or obstruct or attempt to hinder or obstruct any person exercising a power or performing a duty under this By-law;
 - (c) neglect or refuse to produce or provide any information or thing to any person acting pursuant to an order made under section 438 of the Municipal Act, 2001; and

- (d) make, participate in, assent to or acquiesce in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this By-law.

91. Every person who contravenes any provision of this By-law is liable to pay to the City an Administrative Penalty in the amount specified in the Administrative Penalties By-law No. 17-225, and shall follow the procedures for payment, screening reviews and hearing reviews as outlined in the Administrative Penalty By-law. If a person is required to pay an Administrative Penalty, the person shall not be charged with an offence in respect of the same contravention.

92. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as each may be amended from time to time.

93. In addition to Section 92, every person who is charged with an offence for a contravention of any provision of this By-law, by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, is guilty of an offence and on conviction is liable to a minimum fine of \$500 and a maximum fine of \$100,000.

General

94. In this By-law, a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or replaced from time to time.

95. Should any part of this By-law be determined by a Court of competent jurisdiction to be invalid or of no force, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law shall continue to operate and to be in force.

PASSED this 10th day of April, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk