

Authority: Item 8, Planning Committee Report 24-009 (PED24091)
CM: June 26, 2024 Ward: City Wide

Bill No. 116

CITY OF HAMILTON

BY-LAW NO. 24-

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 items to Table 10: By-law No. 07-170 To License and Regulate Various Businesses, in Schedule A of By-law No.17-225:

TABLE 10: BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
30	07-170	Sch. 32 Sec. 3.1	Operate Short-Term Rental without a licence	\$400.00
31	07-170	Sch. 32 Sec. 3.2	Operate Short-Term Rental that is not Principal Residence	\$300.00
32	07-170	Sch. 32 Sec. 3.3	Operate as Short-Term Rental Broker – no licence	\$400.00
33	07-170	Sch. 32 Sec. 3.4 (a)	Provide or advertise Short-Term Rental without displaying Operator’s licence number	\$300.00

TABLE 10: BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
34	07-170	Sch. 32 Sec. 3.4 (b)	Provide or advertise Short-Term Rental without displaying Max. overnight guests	\$300.00
35	07-170	Sch. 32 Sec. 3.5	Fail to remove an advertisement for Short-Term Rental as ordered	\$300.00
36	07-170	Sch. 32 Sec.3.6	Provide or advertise Short-Term Rental to number of guests that is in excess of guest limit	\$300.00
37	07-170	Sch. 32 Sec. 3.7	Provide or advertise Short-Term Rental with unlicensed Short-Term Rental Broker	\$300.00
38	07-170	Sch. 32 Sec. 4.7	Operator rent/advertise a Short-Term Rental not on Principal Residence	\$300.00
39	07-170	Sch. 32 Sec. 4.11	Operator fail to post fire escape plan on all floors of their building in conspicuous place	\$300.00
40	07-170	Sch. 32 Sec. 4.13	Operator fail to keep records as required	\$300.00
41	07-170	Sch. 32 Sec. 4.14	Operator fail to disclose records as required	\$300.00
42	07-170	Sch. 32 Sec. 4.15	Operator fail (provide) to have information package in residential unit as required	\$300.00
43	07-170	Sch. 32 Sec. 5.9	Short-Term Rental Broker fail to disclose records as required	\$400.00
44	07-170	Sch. 32 Sec. 5.13	Short-Term Rental Broker fail to convey communication to Operators as required	\$400.00

3. That By-law 17-225 be amended by repealing Table 14: By-law 10-221 Property Standards By-law and replacing it with the following Table 14: By-law 23-162 Property Standards By-law in Schedule A of By-law 17-225:

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-162	5(7)	Owner fail to disconnect utilities in vacant building that has been vacant for more than 90 days	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
2	23-162	7(1)	Owner fail to keep water in private swimming pool clean and in a sanitary condition	\$150.00
3	23-162	7(1)	Occupant fail to keep water in private swimming pool clean and in a sanitary condition free from obnoxious odours	\$150.00
4	23-162	7(3)	Owner - principal entrance of building fail to have a walkway/driveway/hard surface leading to road	\$150.00
5	23-162	7(4)	Owner fail to have concrete wheel stops at parking spaces	\$200.00
6	23-162	7(5)	Owner - area used for vehicular traffic/parking fail to be surfaced with suitable dust free material and maintained	\$200.00
7	23-162	7(6)	Owner fail to maintain walkways/ driveways/ parking lots to afford safe passage	\$200.00
8	23-162	7(7)	Owner fail to maintain stone surface free of dust	\$200.00
9	23-162	7(7)	Occupant - crushed stone surface spillover onto sidewalk/grass	\$150.00
10	23-162	7(7)	Owner - crushed stone surface spillover onto sidewalk/grass	\$150.00
11	23-162	8(1)	Owner fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200.00
12	23-162	8(1)	Occupant fail to maintain garage as to prevent gas fumes/carbon monoxide from entering dwelling/unit from garage	\$200.00
13	23-162	10(1)	Owner - storm water discharge creating standing water	\$150.00
14	23-162	10(1)	Occupant - storm water discharge creating standing water	\$150.00
15	23-162	10(1)	Owner - storm water discharge creating erosion/damage to property	\$150.00
16	23-162	10(1)	Occupant - storm water discharge creating erosion/damage to property	\$150.00
17	23-162	10(1)	Owner - storm water discharge directed/draining onto adjoining property	\$150.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
18	23-162	10(1)	Occupant - storm water discharge directed/draining onto adjoining property	\$150.00
19	23-162	10(2)	Owner - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150.00
20	23-162	10(2)	Occupant - water discharge from sump-pump/air conditioner to adjoining property/sidewalk/road/stairway	\$150.00
21	23-162	10(3)(a)	Owner - eavestrough/downspout not watertight/free from leaks	\$150.00
22	23-162	10(3)(b)	Owner - eavestrough/downspout not free from obstruction	\$150.00
23	23-162	10(3)(c)	Owner - eavestrough/downspout not stable/securely fastened	\$150.00
24	23-162	10(3)(d)	Owner - eavestrough/downspout not perform its intended function	\$150.00
25	23-162	11(1)	Owner - fence/barrier/retaining wall not maintained to perform intended function	\$150.00
26	23-162	12(1)	Owner - exterior surfaces not of resistant materials/coatings to protect deterioration by weather	\$150.00
27	23-162	12(2)	Owner - fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200.00
28	23-162	12(2)	Occupant- fail to remove/repair/replace free/loose/insufficiently secured, rotten, warped or broken materials/objects on exterior structures	\$200.00
29	23-162	12(3)(a)	Owner - exterior of building not maintained to prevent the entry of vermin/birds	\$200.00
30	23-162	12(4)(a)	Owner - fail to maintain/prevent deterioration of exterior wall by painting/restoring or repairing wall/coping/flushing or waterproofing	\$200.00
31	23-162	12(4)(b)	Owner - fail to repair vandalism/damage of exterior wall	\$150.00
32	23-162	12(5)	Owner - fail to maintain/repair roof/all components to properly perform intended function, weather-tight condition	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
33	23-162	13(4)	Owner - fail to maintain basement/crawl space in a watertight condition	\$200.00
34	23-162	14(1)(a)	Owner - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200.00
35	23-162	14(1)(a)	Occupant - fail to ensure door/window/hatch or other opening properly maintained to perform intended function	\$200.00
36	23-162	14(1)(a)	Owner - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150.00
37	23-162	14(1)(a)	Occupant - fail to repair or replace door/window/hatch or other opening to minimize drafts	\$150.00
38	23-162	14(2)	Owner - fail to ensure lock on opening properly performs intended function	\$200.00
39	23-162	14(2)	Owner- fail to repair/replace damaged lock	\$200.00
40	23-162	14(3)	Owner - door/entrance to dwelling/dwelling unit without lock capable of securing from outside and inside	\$200.00
41	23-162	14(4)	Owner - window not able to be locked/secured from inside	\$200.00
42	23-162	14(5)	Owner - fail to have/maintain appropriate window screens to perform intended function	\$200.00
43	23-162	14(5)	Occupant - fail to have/maintain appropriate window screens to perform intended function	\$200.00
44	23-162	14(7)	Owner - voice communication system not maintained in good repair	\$150.00
45	23-162	15(1)	Owner - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks and other defects	\$200.00
46	23-162	15(1)	Occupant - exterior/interior stairway/landing/balcony/porch/ramp or access/egress not maintained and free of holes/cracks and other defects	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
47	23-162	15(2)	Owner - exterior stairway/landing/balcony/porch/ramp not free of furniture/appliance	\$200.00
48	23-162	15(2)	Occupant- exterior stairway/landing/balcony/porch/ramp – not free of furniture/appliance	\$200.00
49	23-162	15(3)	Owner - fail to repair/replace treads and risers of exterior/interior stairway	\$200.00
50	23-162	15(4)(a)	Owner - fail to have handrail for exterior/interior stairway	\$200.00
51	23-162	15(4)(a)	Owner - fail to replace/repair exterior/interior handrail	\$200.00
52	23-162	15(4)(b)	Owner - fail to have partial/short wall at exterior stairway	\$200.00
53	23-162	15(4)(b)	Owner - fail to repair/replace partial/short wall at exterior stairway	\$200.00
54	23-162	15(5)	Owner - fail to keep common areas clean and free of hazards	\$200.00
55	23-162	16(4)	Owner - floor not smooth/level that may create unsafe condition/surface	\$200.00
56	23-162	16(5)	Owner - floor covering worn/torn not repaired/replaced	\$200.00
57	23-162	16(6)	Owner - fail to have water resistant floor covering in bathroom/kitchen/laundry or shower	\$200.00
58	23-162	16(7)	Owner – fail to maintain wall/ceiling in a condition free from holes/open cracks/loose coverings other defects	\$200.00
59	23-162	16(8)	Owner - fail to repair wall or ceiling to have a similar finish to that of the original and comparable to surrounding finishes	\$200.00
60	23-162	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	\$200.00
61	23-162	17(2)	Owner - fail to have lighting in hallway/stairway/common area and underground parking	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
62	23-162	18(2)	Owner - fail to maintain vent to prevent entry of rain, snow and vermin	\$200.00
63	23-162	19(1)	Owner - heating system not capable of maintaining a temperature of 20 degrees C	\$400.00
64	23-162	19(2)(a)	Owner - heating system not operating/maintained to properly perform intended function	\$400.00
65	23-162	19(2)(b)	Owner - heating system not free from unsafe condition	\$400.00
66	23-162	19(3)	Owner - furnace/boiler located in hallway or access/egress	\$200.00
67	23-162	19(4)	Owner - portable heating equipment primary source of heat	\$400.00
68	23-162	21(1)	Owner -plumbing system/fixture not maintained to perform its intended function	\$400.00
69	23-162	21(1)	Owner - plumbing system/fixture not maintained and free from leaks/defects	\$400.00
70	23-162	21(2)	Owner -piping for suppling/draining water not protected from freezing	\$200.00
71	23-162	21(3)	Owner- plumbing fixture not connected by water seal trap to sewage system	\$400.00
72	23-162	21(5)(a)	Owner fail to provide piping for hot water at 43 degrees C	\$200.00
73	23-162	21(5)(a)	Owner fail to provide piping for cold water to kitchen/bath/shower/laundry room	\$200.00
74	23-162	21(5)(b)	Owner fail to have piping for cold water connected to toilet/hose bib	\$200.00
75	23-162	21(6)	Owner fail to provide potable water to dwelling/dwelling unit from approved source	\$400.00
76	23-162	21(7)(a)(i)	Owner fail to provide a hand wash basin in lodging house	\$200.00
77	23-162	21(7)(a)(ii)	Owner fail to provide a toilet in a lodging house	\$200.00
78	23-162	21(7)(a)(iii)	Owner fail to provide a bathtub or shower in lodging house	\$200.00
79	23-162	21(7)(b)(i)	Owner fail to provide a kitchen sink in a residential care facility/dwelling unit	\$200.00
80	23-162	21(7)(b)(ii)	Owner fail to provide a toilet in a residential care facility/dwelling unit	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
81	23-162	21(7)(b)(iii)	Owner fail to provide a hand wash basin in a residential care facility/dwelling unit	\$200.00
82	23-162	21(7)(b)(iv)	Owner fail to provide a bathtub or shower in a residential care facility/dwelling unit	\$200.00
83	23-162	22(1)(a)	Owner fail to provide sink serviced with potable running water and water and grease resistant splash back in kitchen	\$400.00
84	23-162	22(1)(b)	Owner fail to provide work surface at least .74 m ² impervious to grease/water in kitchen	\$150.00
85	23-162	22(1)(c)	Owner fail to provide storage facilities of at least .8 m ³ in kitchen	\$150.00
86	23-162	22(1)(d)	Owner fail to provide cooking range/countertop range/refrigerator in kitchen	\$150.00
87	23-162	22(1)(e)	Owner fail to maintain cupboard/kitchen fixture/fitting in good repair and working order	\$150.00
88	23-162	22(2)	Owner bath/shower/toilet room not minimum height of 0.9m, water-resistant and readily cleaned	\$200.00
89	23-162	22(3)(a)	Owner bath/shower/toilet room not accessible from interior of building	\$200.00
90	23-162	22(3)(b)	Owner bath/shower/toilet room not fully enclosed with door for privacy	\$200.00
91	23-162	22(3)(c)	Owner bath/shower/toilet room with no working artificial lighting fixture	\$200.00
92	23-162	22(3)(d)	Owner bath/shower/toilet room not maintained to perform intended function	\$200.00
93	23-162	22(4)	Owner fail to provide handwash basin in same room as toilet or adjoining bath or shower room	\$200.00
94	23-162	22(5)	Owner - toilet or urinal located in habitable room used for living, eating or sleeping	\$200.00
95	23-162	22(7)	Landlord fail to maintain appliance in good state of repair and safe operable condition in rental unit	\$200.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
96	23-162	23(1)	Owner - waste storage area/waste chute/disposal room/ container/ receptacles not kept clean/sanitary free from odour	\$200.00
97	23-162	23(1)	Occupant - waste storage area/waste chute/ disposal room/ container/ receptacles not kept clean/sanitary free from odour	\$200.00
98	23-162	23(2)	Owner - waste chute not operational at all times	\$200.00
99	23-162	24(3)(i)	Owner - fail to keep elevator clean and free of dirt and defacements	\$200.00
100	23-162	24(3)(ii)	Owner - fail to have working lights/elevator buttons/floor indicators and ventilation in elevator	\$200.00
101	23-162	25(1)	Owner - fail to keep dwelling or dwelling unit free of infestation of pests	\$400.00
102	23-162	25(1)	Occupant - fail to keep dwelling or dwelling unit free of infestation of pests	\$400.00
103	23-162	25(2)	Owner fail to keep urban property free of infestation of pests	\$400.00
104	23-162	26(3)	Owner – one-person bedroom not having floor area of 5.6 m ²	\$200.00
105	23-162	26(3)	Owner - two or more-person bedroom not having floor area of 3.3 m ² per person	\$200.00
106	23-162	26(4)	Owner - bedroom fail to be 1.8m in width	\$200.00
107	23-162	27(1)(a)	Owner - interior and exterior heritage attributes not maintained to prevent deterioration	\$375.00
108	23-162	27(1)(a)	Occupant - interior and exterior heritage attributes not maintained to prevent deterioration	\$375.00
109	23-162	27(1)(b)	Owner - interior and exterior heritage attributes not repaired from damage	\$375.00
110	23-162	28(2)	Owner - vacant heritage property (more than 90 days) – fail to ensure appropriate utilities are connected	\$375.00
111	23-162	31(1)(b)	Owner - fail to comply with an order	\$400.00

TABLE 14: BY-LAW 23-162 Property Standards By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
112	23-162	31(1)(b)	Occupant – fail to comply with an order	\$400.00

4. That By-law 17-225 be amended by repealing Table 28: By-law 09-190 Requiring the Supply of Vital Services and replacing it with the following Table 28: By-law 23-161 to Require the Supply of Vital Services in Schedule A of By-law 17-225:

TABLE 28: BY-LAW 23-161 Vital Services By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	23-161	11	Landlord fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
2	23-161	11	Operator fail to provide Tenant proper notice re shut-off of Vital Service	\$400.00
3	23-161	12	Landlord cause/ allow the cessation of Vital Services	\$400.00

5. That By-law 17-225 be amended by adding the following Table 30: By-law 24-054 Safe Apartment Buildings By-law to Schedule A in By-law 17-225:

TABLE 30: BY-LAW 24-054 Safe Apartment Buildings By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	24-054	6	Owner operate or allow the operation of Apartment Building without registration	\$400.00
2	24-054	11	Owner fail to notify Director within 7 days of change in information	\$400.00
3	24-054	14	Owner fail to display registration in Common Area visible to tenants	\$400.00
4	24-054	26	Owner fail to erect or install a notification board in prominent location inside Common Area	\$400.00
5	24-054	26	Operator fail to erect or install a notification board in prominent location inside Common Area	\$400.00
6	24-054	29	Owner fail to provide a copy of Evaluation upon request	\$400.00

7	24-054	29	Operator fail to provide a copy of Evaluation upon request	\$400.00
8	24-054	30	Owner fail to maintain list of Tenants who may need assistance during periods of evacuation, elevator disruption and/or temporary discontinuance of Vital Services	\$300.00
9	24-054	30	Operator fail to maintain list of Tenants who may need assistance during periods of evacuation, elevator disruption and/or temporary discontinuance of Vital Services	\$300.00
10	24-054	41	Owner fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400.00
11	24-054	41	Operator fail to provide Tenant with copy of pest management plan prior to treating infestation within their Rental Unit	\$400.00
12	24-054	42	Owner fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400.00
13	24-054	42	Operator fail to post a pest management plan in the lobby prior to treating infestation in Common Area	\$400.00
14	24-054	43	Owner fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400.00
15	24-054	43	Operator fail to reinspect area treated for Pests between 15-30 days from date of completion of initial treatment	\$400.00
16	24-054	50	Owner fail to identify with posters in Common Areas the location for the deposit of garbage bulk waste, debris, recycling, and organic material	\$300.00
17	24-054	50	Operator fail to identify with posters in Common Areas the location for the deposit of garbage bulk waste, debris, recycling, and organic material	\$300.00
18	24-054	51	Owner fail to maintain information/records related to waste management plan	\$300.00
19	24-054	51	Operator fail to maintain information/records related to waste management plan	\$300.00
20	24-054	70	Owner fail to provide a copy of a Plan to a Tenant upon written request	\$400.00
21	24-054	70	Operator fail to provide a copy of a Plan to a Tenant upon written request	\$400.00

22	24-054	77	Owner rent out Rental Unit when active property standards order against that Rental Unit	\$400.00
23	24-054	77	Operator rent out Rental Unit when active property standards order against that Rental Unit	\$400.00
24	24-054	78	Owner rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400.00
25	24-054	78	Operator rent out Rental Unit to where there is a discontinuance of Vital Service in the Rental Unit	\$400.00

6. That By-law 17-225 be amended by adding the following Table 31: By-law 24-055 Renovation Licence and Relocation By-law to Schedule “A” in By-law 17-225:

TABLE 31: BY-LAW 24-055 Renovation Licence and Relocation By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALT Y
1	24-055	9	Landlord perform/cause to perform renovations/repairs without licence	\$400.00
2	24-055	9	Operator perform/cause to perform renovations/repairs without licence	\$400.00
3	24-055	17	Landlord transferred or assigned their licence	\$400.00
4	24-055	17	Operator transferred or assigned their licence	\$400.00

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

PASSED this 26th day of June, 2024.

A. Howarth
Mayor

J. Pilon
Acting City Clerk