

Authority: Item,
Report PED22091(a)
CM:
Ward:

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 2X-XXX

Rental Housing Protection By-law

WHEREAS Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("Municipal Act") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

AND WHEREAS Subsection 11(2) of the *Municipal Act* provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality and for the health, safety and well-being of persons;

AND WHEREAS under Sections 20 to 24 of the *Municipal Act* the City may delegate its powers and duties under the Act to an officer or employee of the City;

AND WHEREAS, without limiting the broad municipal powers, Section 99.1 of the *Municipal Act* provides municipalities with the authority to prohibit and regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

AND WHEREAS the City wishes to exercise its powers under Section 99.1 of the *Municipal Act* to protect residential rental housing in order to meet the needs of current and future residents;

AND WHEREAS the City wishes to protect those residential rental properties where a landlord has given notice of a demolition or conversion pursuant to Section 50 of the *Residential Tenancies Act, 2006*, S.O. 2006, c.17;

AND WHEREAS under Sections 425 and 429 of the *Municipal Act* the City may pass by-laws to create offences and a system of fines for offences, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law;

AND WHEREAS Section 436 of the *Municipal Act* provides that a municipality may pass by-laws to authorize inspections to determine compliance with a by-law;

AND WHEREAS Subsection 391(1) (a) of the *Municipal Act* provides that the City may pass by-laws imposing fees or charges on persons for services or activities provided or

done by or on behalf of it;

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

PART 1 - DEFINITIONS

1. For the purposes of this By-law, the following definitions and interpretations shall govern:

- a) “**Application**” means the application referred to in Section 8 of this By-law;
- b) “**Average Market Rent**” or “**AMR**” means, in respect of a **Rental Unit**, rent that is at or below the average market rent by type of unit in the City of Hamilton as established annually by the **CMHC**;
- c) “**Building Code Act, 1992**” means the *Building Code Act, 1992 S.O. 1992, c. 23* as may be amended;
- d) “**By-law**” means this by-law No. XXXX, as may be amended;
- e) “**Chief Building Official**” means the person appointed under Subsection 3(2) of the *Building Code Act, 1992*, as the Chief Building Official for the City of Hamilton;
- f) “**City**” means the City of Hamilton;
- g) “**City Official**” means a person who is an employee of the City, and who has been appointed by Council of the City to administer and/or enforce all or part of this By-law on behalf of the City, and shall include any and all municipal by-law enforcement officers;
- h) “**CMHC**” means the Canada Mortgage and Housing Corporation;
- i) “**Condominium Act, 1998**” means the *Condominium Act, 1998, S.O. 1998, c. 19*, as may be amended;
- j) “**Conversion**” or “**Convert**” means conversion of a **Residential Rental Property** to a purpose other than a **Residential Rental Property** and includes:
 - i. A **Conversion** as a result of a consent to sever land under Section 53 of the *Planning Act*;
 - ii. A **Conversion** to:
 - 1. A non-residential use;

2. A living accommodation other than **Dwelling Units**;
 3. A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**; and
- iii. **Conversion to Co-ownership** is deemed to occur when the first lease or sale of an interest in **Residential Rental Property** or of a share in a corporation owning or leasing any interest in **Residential Rental Property** takes place that carries with it the right to occupy a specific unit in the **Residential Rental Property** or when a **Residential Rental Property** is transferred or leased to a corporation of the type described in s. 1(j)(ii);
- k) “**Co-ownership**” means an equity co-operative or other co-ownership form of housing where the residential property is owned or leased or otherwise held, directly or indirectly by:
- i. more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property; or
 - ii. a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property;
- For greater certainty, a **Co-ownership** does not include a condominium, a residential building that is organized as a **Life Lease Project**, or a non-profit housing co-operative under the *Co-operative Corporations Act*, R.S.O. 1990, c. C. 35, as may be amended;
- l) “**Demolition**” or “**Demolish**” means to do anything that will result in the removal of a building or any material part thereof and includes, but is not limited to, interior renovations or alterations that will result in a change to the number of:
- i. **Dwelling Units** in the building; or
 - ii. **Dwelling Unit Types** in the building;
- m) “**Director**” means the Director of Planning and Chief Planner for the City or their designate;
- n) “**Dwelling Unit**” means one (1) or more habitable rooms designed,

occupied or intended to be occupied as self-contained living quarters and shall, at a minimum, contain:

- i. sanitary facilities;
- ii. accommodation for sleeping; and
- iii. one (1) kitchen;

For greater certainty, a Dwelling Unit shall not cease to be a Dwelling Unit due to any vacancy thereof.

- o) “**Dwelling Unit Type**” references the number of bedrooms within a **Dwelling Unit** and includes a bachelor unit, a one (1) bedroom unit, a two (2) bedroom unit, and a unit with three (3) or more bedrooms;
- p) “**Guidelines**” means guidelines for **Applications** to permit **Demolition** or **Conversion** under this By-law as developed by the **Director** pursuant to Subsection 36 b) of this By-law;
- q) “**Heritage Act**” means the *Ontario Heritage Act, R.S.O. 1990, c. O. 18*, as may be amended;
- r) “**Life Lease Project**” means a life lease project as described in paragraph 1 of Subsection 3(1) of Ontario Regulation 282/98, under the *Assessment Act, R.S.O. 1990, c. A. 31*;
- s) “**Person**” includes, but is not limited to, an individual, sole proprietorship, partnership, association, or corporation;
- t) “**Planning Act**” means the *Planning Act, R.S.O. 1990, c. P.13*, as may be amended;
- u) “**Planning Committee**” means the Standing Committee of Council as constituted and governed by the City’s Council Procedure By-Law 10-053, as may be amended or replaced;
- v) “**Regulated Property**” means a **Residential Rental Property** containing six (6) or more **Dwelling Units**;
- w) “**Related Planning Application**” means:
 - i. An application that provides for the **Demolition of Residential Rental Property** or the **Conversion of Residential Rental Property** to a purpose other than a **Residential Rental Property**, expressly or by necessary implication;
 - ii. For greater certainty, paragraph (i) includes, but is not limited to,

an application for the following:

1. A permit under Section 8 or 10 of the ***Building Code Act, 1992***;
 2. A consent or permit to alter part of a property or to demolish or remove a building or structure under Section 33, 34, 34.5 or 42 of the ***Heritage Act***;
 3. Approval or registration of a description for a proposed condominium or exemption from approval for a proposed condominium, under Section 9 of the ***Condominium Act, 1998***;
 4. An amendment to the Official Plan under Section 22 of the ***Planning Act***;
 5. A zoning by-law amendment under Section 34 of the ***Planning Act***;
 6. A minor variance under Section 45 of the ***Planning Act***;
 7. Approval of plans and drawings under Subsection 41(4) of the ***Planning Act***;
 8. Approval of a plan of subdivision under Section 51 of the ***Planning Act***;
 9. A consent under Section 53 of the ***Planning Act***; and
 10. A demolition permit under Section 33 of the ***Planning Act***;
- iii. Despite subparagraph (ii.)5., paragraph (i) does not include a City-initiated general zoning by-law amendment to implement area land use studies and other general policies, except for any site-specific exemptions or other site-specific provisions made at the request of a land owner;
- x) **“Related Buildings”** means:
- i. Buildings that are under the same ownership and on the same parcel of land (as defined in Section 46 of the ***Planning Act***); or
 - ii. Buildings that form part of the same **Application** under this By-law or under a **Related Planning Application**;
- y) **“Rental Unit”** means a **Dwelling Unit** used, or intended for use, for residential rental purposes, including a **Dwelling Unit** in a **Co-ownership** that is or was last used for residential rental purposes, but does not include:
- i. a **Dwelling Unit** in a condominium registered under Section 2 of

the **Condominium Act, 1998**;

- ii. a **Dwelling Unit** in a building organized as a **Life Lease Project** where the right to occupy the **Dwelling Unit** is based on a life lease interest; or
- iii. a **Dwelling Unit** in a Mobile Home (as defined in City of Hamilton Zoning By-law 05-200) which is only occupied on a seasonal basis;
- z) “**Rent-Geared-to-Income Unit**” means a dwelling unit with subsidized rent where rents are geared to income as per O. Reg. 316/19, as amended, under Section 50 of the *Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1* as may be amended;
- aa) “**Residential Tenancies Act, 2006**” means the *Residential Tenancies Act, 2006, S.O. 2006, c. 17* as may be amended;
- bb) “**Residential Rental Property**” means a building or **Related Buildings** containing one or more **Rental Units** and includes all common areas and services and facilities available for the use of its residents;
- cc) “**Section 99.1 Permit**” means the permit to be issued by the **Director** or Council, as applicable, after the approval of an **Application** made under this By-law;
- dd) “**Social Housing**” means living accommodation produced, operated and/or financed, in whole or in part, through government programs;
- ee) “**Structure Type**” means the type of housing structure as reported by the **CMHC**, and includes an apartment and row houses; and
- ff) “**Vacancy Rate**” means the average percentage of all available **Rental Units** for a **Dwelling Unit Type** or **Structure Type** that are vacant or unoccupied at a particular time within a designated geographical area in the City.

PART II – SCOPE

- 2. This By-law shall apply to all **Regulated Properties** in the City, being **Residential Rental Properties** containing six (6) or more **Dwelling Units** and no **Regulated Property** shall be **Demolished** or **Converted** without obtaining a permit under this By-law;
- 3. Notwithstanding Section 2 of this By-law, this By-law does not apply to a **Residential Rental Property** that is:

- a) a condominium governed by the **Condominium Act, 1998**;
- b) organized as a **Life Lease Project**;
- c) described in Section 5 (Exemptions from Act) of the **Residential Tenancies Act, 2006**, other than Subsection 5(c), a member unit of a non-profit housing co-operative;
- d) described in Section 7 (1) (1.)(2.) and (5.) (Exemptions related to social, etc., housing) of the **Residential Tenancies Act, 2006**; or
- e) required for the implementation of a municipal, provincial, or federal government project previously approved by City Council or a provincial or federal authority and for which an environmental assessment has been conducted pursuant to the *Environmental Assessment Act, R.S.O. 1990, c. E.18*, with the exception of a **Residential Rental Property** that is designated as a property of cultural heritage value or interest under the **Heritage Act**.

PART III – DEMOLITION & CONVERSION PROHIBITED WITHOUT A PERMIT

Demolition

4. Except as provided herein, no person shall **Demolish**, or cause to be **Demolished**, the whole or any part of a **Regulated Property** unless the person has been issued a **Section 99.1 Permit** and except in accordance with the terms and conditions of the issued **Section 99.1 Permit**.

Conversion

5. No person shall **Convert** a **Regulated Property**, or cause a **Regulated Property** to be **Converted**, unless the person has been issued a **Section 99.1 Permit** and except in accordance with the terms and conditions of the issued **Section 99.1 Permit**.

When Section 99.1 Permit is Not Required

6. Notwithstanding Sections 4 and 5 of this By-law, a **Section 99.1 Permit** is not required if only a part of a **Regulated Property** is proposed for **Demolition** and that part does not contain any part of a **Dwelling Unit**.
7. Notwithstanding Section 5 of this By-law, a **Section 99.1 Permit** is not required if a **Regulated Property** is subject to an application for a consent to sever under Section 53 of the **Planning Act**, provided that after the proposed conveyance:
 - a) each parcel of land resulting from the severance will have six (6) or more **Rental Units**; or

- b) one (1) or more parcels of land resulting from the severance will have six (6) or more **Rental Units** and all the other parcels of land at the time of the application contained no **Dwelling Units**.

PART IV – APPLICATION FOR SECTION 99.1 PERMIT

8. An **Application** shall include the following information:

- a) a description of the proposed **Demolition** or **Conversion**;
- b) the number of existing **Dwelling Units**;
- c) the number of existing and proposed **Rental Units** categorized by **Dwelling Unit Type** and including floor area;
- d) the rents roll(s), including utilities, for the **Regulated Property**, categorized by **Dwelling Unit Type**;
- e) a list of the names and mailing addresses of all tenants of the **Residential Rental Property** proposed for **Demolition** or **Conversion**;
- f) an identification of any **Related Planning Applications**, including, but not limited to, plans, drawings, studies, or reports submitted in support of such **Related Planning Application**;
- g) where applicable, a proposal for the replacement or retention of the **Rental Units** proposed for **Demolition**;
- h) a proposal for tenant engagement by the owner or applicant, which shall include at least one meeting for all tenants of the **Regulated Property**, as required by Section 11 of this By-law; and
- i) any additional information or documentation required to evaluate the **Application**, as specified by the **Director**.

9. The **Director** may request that the required **Application** information be verified by a person who, in the **Director's** opinion, is qualified to do so.

Tenant Notification

10. An applicant for a **Section 99.1 Permit** shall provide written notice of the **Application** to the tenants of the **Regulated Property** within fourteen (14) days of the **Director** advising the applicant that the **Application** is complete or within such other time period as determined by the **Director**. Such notice shall include:

- a) the date that the notice was delivered to the tenant(s); and

- b) a notification to the tenants of the rights of tenants under the **Residential Tenancies Act, 2006** in connection with the **Demolition** or **Conversion**, as the case may be.
11. An applicant for a **Section 99.1 Permit** shall hold a meeting for all tenants of the **Regulated Property** within thirty days (30) days after the notice of the **Application** referred to in Section 10 is delivered to the tenants of the **Regulated Property**, for the purpose of providing information and education on the proposed **Demolition** and **Conversion**. The applicant shall ensure a record of such meeting is provided to the **Director** which includes, but is not limited to, the following information:
- a) a copy of the notice of the meeting;
 - b) a copy of the meeting sign-in-sheet;
 - c) a copy of all information distributed or presented at the meeting, if any;
 - d) a copy of the meeting minutes; and
 - e) a copy of all comments received in relation to the meeting, if any.

Fees and Charges

12. The applicant shall pay the applicable fee for the **Application** for a **Section 99.1 Permit** as specified in the City’s Tariff of Fees By-law No. 12-282, as may be amended, and such fee shall be paid at the time the **Application** is submitted to the City.
13. If Section 8 or 10 of the **Building Code Act, 1992** apply to the proposed **Demolition** or **Conversion**, the applicant must also pay the fees required for such an application as specified in the City’s By-law 15-058, as amended.
14. All fees collected by the City under this By-law shall be used for the purpose of processing the **Application**.
15. All fines and charges collected by the City under this By-law shall be provided to the City’s Healthy and Safe Communities Department for the purpose of replacing, renewing or creating affordable housing in the City in accordance with the Urban Hamilton Official Plan.

Related Planning Application

16. If a **Related Planning Application** is made with respect to a **Residential Rental Property** for which a **Section 99.1 Permit** is required to be issued, the applicant shall provide written notice of the **Application** to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Land Tribunal or court.

17. The notice required under Section 16 of this By-law shall include a statement that the **Demolition** or **Conversion** is not permitted unless a **Section 99.1 Permit** has been issued for the **Demolition** or **Conversion** pursuant to this By-law.
18. The notice required under Section 16 of this By-law shall be filed with the approval authority or, in the case of an appeal or referral, with the Ontario Land Tribunal or court.

Withdrawal of Application

19. If an applicant does not provide all the documentation required for the **Application** to the **Director** within one (1) year from the date that the **Application** is submitted to the City, the applicant shall be deemed to have withdrawn the **Application** as at the one (1) year anniversary date of the **Application** and shall not be entitled to any refunds of any payments made with respect to the **Application**.
20. Despite Section 19 of this By-law, the **Director** may extend the date for the completion of the **Application** where the **Director** determines that the applicant is actively taking steps to finalize the **Application**.
21. If the **Application** is withdrawn, or deemed to have been withdrawn under Section 19 of this By-law, before the **Director** or Council makes a decision, no further **Application** under this By-law to approve any **Demolition** or **Conversion** of the **Residential Rental Property** may be made within two (2) years after the date of the withdrawal, unless Council gives its consent to such **Application**.

Consideration for Approval

22. An **Application** shall not be considered for approval until the **Application** is considered complete to the satisfaction of the **Director**.
23. Once the **Director** considers the **Application** to be complete, the **Director** shall give written notice to the applicant within 20 days that the **Application** is complete.
24. A copy of the notice referred to in Section 10 of this By-law shall be provided to the **Director** within five (5) days after the delivery of the notice to the tenants and the **Director** shall not review the **Application** until the **Director** is in receipt of a copy of the said notice.

PART V – ROUTINE APPROVAL OF SECTION 99.1 PERMIT

25. The **Director** or Council, as applicable, shall approve an **Application** for a **Section 99.1 Permit** when:
 - a) the **Application** demonstrates any one of the following criteria (1 - 4) , as at the date that the **Application** is considered to be complete, are met;

and

- b) the **Application** satisfies the conditions imposed by the **Director** or **Council**, as the case may be, pursuant to Section 30 of this By-law;
- (1) The **Residential Rental Property** at the time of the **Application** has six or more **Dwelling Units**, but less than six (6) **Rental Units**;
 - (2) Where a **Conversion** is proposed, all of the following criteria are met:
 - a) the rental **Vacancy Rate** by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years;
 - b) the existing market rent levels for all **Rental Units** proposed for **Conversion** are above 100 percent of the:
 - i. **Average Market Rent** levels for the City, and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type**, **Structure Type** and size; and
 - c) for all vacant **Rental Units** proposed for **Conversion**, the last market rent levels charged prior to vacancy for the **Rental Units** proposed to be **Converted** were above 100 percent of the:
 - i. **Average Market Rent** levels at the time for the City; and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type**, **Structure Type** and size; or
 - (3) Where a **Demolition** is proposed, all of the following criteria are met:
 - a) the **Rental Units** are outside of the Downtown Hamilton Secondary Plan area (as identified in Volume 2 of the Urban Hamilton Official Plan);
 - b) the rental vacancy rate by **Dwelling Unit Type** and **Structure**

Type, for the City and the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years;

- c) the existing market rent levels for all units proposed to be **Demolished** are above 100 percent of the:
 - i. **Average Market Rent** levels for the City; and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type** and **Structure Type** and size; and
- d) for all vacant **Rental Units**, the last market rent levels charged prior to vacancy for the **Rental Units** proposed to be **Demolished** were above 100 percent of the:
 - i. **Average Market Rent** levels at the time for the City; and
 - ii. the **Average Market Rent** levels for the respective local housing market zone in the City (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, for **Rental Units** of a similar **Dwelling Unit Type** and **Structure Type** and size; or

(4) Where a **Conversion** is proposed by way of a consent to sever under Section 53 of the **Planning Act**, that such **Conversion** will not result in an alteration of the form of **Dwelling Unit**.

- 26. For the purposes of Subsections 25(2)(c) and 25(3)(d) of this By-law, where the last market rents are unknown, the last market rents shall be deemed to be 90 percent of the **Average Market Rent**.
- 27. Where an applicant is unable to satisfy the requirements of Section 25 of this By-law, an **Application** for a **Section 99.1 Permit** may be approved in accordance with the provisions contained in Part VI of this By-law.

PART VI – DISCRETIONARY APPROVAL SECTION 99.1 PERMIT

- 28. Subject to Section 39 of this By-law, the **Director** is authorized to approve an **Application** for a **Section 99.1 Permit** when:
 - a) The Applicant satisfies all criteria in Section 29, where applicable to the

Application;

- b) the **Application** satisfies the conditions imposed by the **Director** or Council, as the case may be, pursuant to Section 30 of this By-law; and
29. One or more of the following criteria, as applicable to the **Application**, must be met by the applicant as a prerequisite for the consideration of approval of a **Section 99.1 Permit** under this Part of the By-law, and the **Director** may request that the **Application** include any of the following information required to make a determination under this Section 29:
- (1) Where a **Conversion** is proposed, it is demonstrated to the satisfaction of the **Director** that:
 - a) repair or retrofitting has been ordered pursuant to the ***Residential Tenancies Act, 2006, Building Code Act, 1992*** or any other applicable provincial legislation; and
 - b) income received from rent and available from government funding programs, is not capable of supporting the capital repairs and maintenance work required.
 - (2) Where **Conversion**, including a conversion of **Social Housing** is proposed, the proposed Conversion is consistent with all applicable provincial legislation;
 - (3) Where a **Demolition**, including a demolition of **Social Housing** is proposed, the proposed **Demolition** is consistent with all applicable provincial legislation.
 - (4) Where a **Demolition** is proposed that reduces the total number of units through internal renovations to an existing building:
 - a) The rental **Vacancy Rate** by **Dwelling Unit Type** and **Structure Type**, for the City and the respective local housing market zone (as identified in Volume 1, Schedule G of the Urban Hamilton Official Plan), if the property is located in a local housing market zone, has been at or above 3.0 percent for the preceding two (2) years; and
 - b) The total area of living space in the existing building is not reduced.
 - (5) Where a **Demolition** is proposed, the building (or buildings) proposed to be Demolished is confirmed to be structurally unsound by way of a structural audit, performed by a qualified professional, with the conclusions of such audit deemed acceptable by the City.
 - (6) Where a **Demolition** is proposed, the demolished units will be replaced, in accordance with any conditions of approval.

30. The conditions referred to in Section 25 b) and Section 28 b) of this By-law which may be imposed by the **Director** or Council, as the case may be, may include, but are not limited to:
- a) Where a **Demolition** is proposed in the area comprising the Downtown Hamilton Secondary Plan (as identified in Volume 2 of the Urban Hamilton Official Plan), conditions may be imposed requiring:
 - i. **Rental Units** to be replaced on-site with Rental Units of a similar size and number of bedrooms; and
 - ii. a tenant relocation and assistance plan addressing the right to return to occupy the replacement **Rental Units** at similar rents, the provision of alternative temporary accommodation at similar rents and other assistance as appropriate;
 - b) Where a **Demolition** is proposed outside of the area comprising the Downtown Hamilton Secondary Plan (as identified in Volume 2 of the Urban Hamilton Official Plan), conditions may be imposed requiring:
 - i. **Rental Units** to be replaced on-site or off-site in a comparable location with **Rental Units** of a similar size and number of bedrooms; and
 - ii. a tenant relocation and assistance plan addressing the right to return to occupy the replacement **Rental Units** at similar rents, the provision of alternative temporary accommodation at similar rents and other assistance as appropriate;
 - c) requirements to retain proposed **Converted** units as **Rental Units** at similar rental rates and for a defined term;
 - d) requirements to offer tenants in a **Converted** unit a right of first refusal to purchase a condominium unit to be developed as a result of a successful property **Conversion** in accordance with section 51(5) of the **Residential Tenancies Act, 2006**;
 - e) requirements that the owner of the **Regulated Property**, or the owner’s authorized agent, provide written notice of the provisions in the **Residential Tenancies Act, 2006** relating to **Conversion** or **Demolition**, as the case may be, to all tenants who reside in the **Rental Units** of the **Regulated Property** affected by the **Application**;
 - f) Where **Demolition** or **Conversion** of **Social Housing** is proposed, conditions may be imposed requiring:
 - i. full replacement of all **Rent-Geared-to-Income Units**;

- ii. a tenant relocation and assistance plan addressing the provision of temporary alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship, to the satisfaction of the **Director**;
- g) the following, in accordance with any **Guidelines**, where applicable:
 - i. requirements securing tenants’ right to return to the replaced or retained **Rental Units** at similar rents, and associated notification requirements;
 - ii. requirements for tenant relocation and assistance including but not limited to the following:
 - 1. alternative temporary accommodation for displaced tenants at similar rents and in a comparable location acceptable to the City until tenants return to the replacement **Rental Units**; and
 - 2. financial assistance and such other support as many be necessary to reduce hardships to tenants resulting from a **Demolition** or **Conversion**;
- h) requirements that the owner of the **Residential Rental Property**, or the owner’s authorized agent, provide information from time to time sufficient to verify that the terms of an agreement, as referred to in Section 31 of this By-law are being met;
- i) provisions concerning the applicant’s entitlement to claim or act under any of the following until any of the other conditions imposed herein have been satisfied or secured, to the satisfaction of the **Director**:
 - i. a permit under Subsection 8(1) or Section 10 of the **Building Code Act, 1992** for construction, **Demolition** or **Conversion** of a building;
 - ii. a permit for demolition under Section 33 of the **Planning Act**;
 - iii. a consent or permit to alter part of a property or to demolish or remove a building or structure under Section 34, 34.5 or 42 of the **Heritage Act**;
 - iv. approval or registration of a description for a proposed condominium under Section 51 of the **Planning Act**, or an exemption from approval for a condominium, under Section 9 the

Condominium Act, 1998; and

- v. a consent under Section 53 of the **Planning Act**, except for provisional consent that is conditional upon issuance of a **Section 99.1 Permit** under this By-law.
 - j) requirements to provide a plan to assist existing tenants with achieving homeownership, such as down payment assistance or rent-to-own payment options;
 - k) requirements to provide specified amenities for replacement **Rental Units**;
 - l) any other requirements or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the City’s rental housing supply and on existing tenants;
 - m) requirements for the provision and implementation of an ongoing consultation and information plan with tenants of the Residential Rental Property, in accordance with any **Guidelines**;
 - n) requirements that the owner of the **Regulated Property** provide information from time to time sufficient to verify that the terms of an agreement are being met;
 - o) for any of the conditions above, any requirements for timelines or deadlines as required by the **Director**; and
 - p) conditions providing for the lapsing of the approval.
31. Where conditions are imposed under this By-law, the owner of the **Regulated Property** to which the **Application** relates shall, as a condition of the issuance of a **Section 99.1 Permit**, enter into to an agreement with the City securing the imposed conditions.
32. The agreement referenced in Section 31 of this By-law shall be registered on title to each property to which the agreement applies and may be enforced against the owner and any subsequent owners of the **Regulated Property**. The registration of the agreement shall be to the satisfaction of the City Solicitor and with such priority as may be required to ensure its proper enforcement by the City.
33. Conditions imposed under Subsections 30 a), b), and f) of this By-law may require the **Rental Units** proposed for **Demolition** be replaced:
- a) on-site;
 - b) on a comparable off-site location to the **Regulated Property**; or

- c) a combination of Subsections 33 a) and b), above.
34. Comparable, for the purposes of Section 33 b) of this By-law, includes but is not limited to consideration of the following factors:
- a) type of **Residential Rental Property**;
 - b) proximity to existing and proposed transportation options, including transit service;
 - c) proximity to community infrastructure such as, recreational facilities, libraries, police stations, schools and places of religious assembly;
 - d) proximity to commercial services and amenities;
 - e) number of bedrooms; and
 - f) size of **Rental Units**.
35. Conditions imposed under Section 30 of this By-law requiring on-site or off-site replacement units may also specify a timeframe within which those units must be constructed, subject to the discretion of the **Director** or any details described in an agreement as permitted by Section 31 of this By-law, any may also specify penalties for failure to do so.

PART VII REFERRALS, REVISIONS AND ISSUANCE OF SECTION 99.1 PERMIT

Delegated Authority

36. The **Director** is delegated the authority to:
- a) Approve **Section 99.1 Permits**, subject to the requirements of this By-law and any referral to Council under Section 39; and
 - b) develop **Guidelines** to assist applicants with the **Application**, in accordance with the **Municipal Act** and any regulations thereunder.

Council Notification and Referral to Council by Director

37. The **Director** shall advise Council of every **Application** upon such **Application** becoming complete. This notice to Council shall be provided by way of notice to **Planning Committee** within 60 days of the **Application** becoming complete.
38. The notice to Council under Section 37 of this By-law shall indicate whether the **Application** is referred to **Planning Committee** for Council's approval, or whether

approval of the **Application** is delegated to the **Director**.

39. The **Director** shall refer an **Application** to **Planning Committee** for Council's approval if:
 - a) in the **Director's** opinion, the **Application** should be considered by Council with a **Related Planning Application**;
 - b) the **Application** has implications for more than one Ward or is of City-wide interest; or
 - c) a request is made by Council or the **Planning Committee** for the **Application** to be considered by Council.
40. Where the **Director** refers the **Application** under Section 39 of this By-law, the **Director** shall submit a report respecting the **Application** to the **Planning Committee** after the review of the **Application** has been completed.
41. Where the **Application** is not referred to **Planning Committee** for Council's approval within the said (60) day period or at the time that notice is provided to Council, the **Application** shall be considered by the **Director**.
42. Where the **Application** is referred to **Planning Committee**, the **Planning Committee** shall recommend to Council whether to refuse, approve or amend the **Application**, including any conditions and Council may refuse the **Application**, approve the **Application**, or amend the **Application**.

Application for Revision to Conditions

43. If the owner of a **Regulated Property** applies for revisions to the conditions imposed pursuant to Section 30 of this By-law, the **Director** may treat the request as a new **Application** under this By-law or may otherwise require the owner to comply with the notice and meeting requirements of this By-law.
44. Where the **Director** has referred the **Application** to the **Planning Committee**, the **Planning Committee** shall consider and make recommendations to Council on the proposed revisions only after a report has been submitted to the **Planning Committee** by the **Director**.

Section 99.1 Permit Issuance

45. Subject to Section 46 of this By-law, if Council or the **Director** approves a **Section 99.1 Permit**, the **Director** is authorized to issue the **Section 99.1 Permit** after all the conditions have been satisfied or secured to the satisfaction of the **Director**.
46. Where **Applications** for **Demolition** or **Conversion** are also subject to Section 8 or 10 of the **Building Code Act, 1992** or to a demolition control by-law under Section

33 of the *Planning Act*, the **Director** may designate the **Chief Building Official** to issue the **Section 99.1 Permit**, which shall only be issued after approval for the **Section 99.1 Permit** is given and together with all other applicable requirements related to the **Demolition**.

Amendments to Issued Section 99.1 Permit

47. Where an applicant wishes to amend an issued **Section 99.1 Permit**, the process shall be commenced by way of a new **Application** under the provisions of this By-law. In the event that a new as amended **Section 99.1 Permit** is issued, then same shall take effect on the date of issuance.

Revocation of an Issued Section 99.1 Permit

48. The **Director** may revoke an issued **Section 99.1 Permit** if:
- a) the **Section 99.1 Permit** was issued on mistaken, false or incorrect information;
 - b) the conditions to the issued **Section 99.1 Permit** are not complied with; or
 - c) the owner of the **Regulated Property** or other holder of an issued **Section 99.1 Permit** has contravened this By-law.
49. Where a **Section 99.1 Permit** for **Demolition** has been issued under this By-law and the building permit for the new construction is revoked under the *Building Code Act, 1992*, the **Section 99.1 Permit** shall be deemed to be revoked and this By-law shall apply to any subsequent **Application** for a **Demolition** of the **Regulated Property** for which the original **Section 99.1 Permit** was issued.
50. Section 49 of this By-law does not apply if the **Regulated Property** has been **Demolished** under a **Section 99.1 Permit** before the building permit for the new construction pursuant to the *Building Code Act, 1992* was revoked.

Council or Director Decision Final

51. Council’s or the **Director’s** decision to approve, refuse or revoke a **Section 99.1 Permit**, or impose or revise conditions on a **Section 99.1 Permit** in accordance with this By-law is final, without any further right of appeal.

PART VIII – ENFORCEMENT

Harassment of Tenant

52. No owner of **Regulated Property** or person acting on the owner's behalf shall interfere with a tenant's reasonable enjoyment of a **Rental Unit** in the **Regulated**

Property with the intent of discouraging the participation of the tenant in the **Application** or approval process described herein or with the intent of otherwise facilitating the obtaining of the approval of Council or the **Director** on an **Application** made under this By-law.

Powers of Entry and Inspection

53. Any **City Official** may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- a) this By-law;
 - b) any direction or order issued under this By-law;
 - c) any **Section 99.1 Permit** condition imposed under this By-law; and
 - d) an order issued under Section 431 of the **Municipal Act**.
54. Subject to the requirements under Section 437 of the **Municipal Act** related to entry to dwellings, submission of an **Application** for a **Section 99.1 Permit** is deemed to be the consent of the owner for any **City Official** to enter at any reasonable time onto the **Residential Rental Property** for the purpose of carrying out an inspection.
55. Where an inspection is conducted under this By-law, any **City Official** may:
- a) require the production of documents and things that may be relevant to the inspection;
 - b) inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;
 - c) require information from any person concerning a matter related to the inspection, including but not limited to name(s), address(es), contact information, and proof of identity or other identification; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purpose of the inspection.
56. No person shall hinder or obstruct, or attempt to hinder or obstruct, any **City Official** from exercising any power or authority, or performing a duty as permitted under this By-law.
57. No person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by any **City Official** pursuant to this By-law.

58. Every person from whom information, or any other thing, has been requested in relation to an inspection conducted under this By-law shall identify themselves to any **City Official** and failure to identify shall constitute hindering and/or obstructing under Section 56 of this By-law.

Offences

59. Every person, either by their own actions or through the action of any other person, who contravenes any Section of this By-law, including an Order issued pursuant to this By-law or Sections 444 or 445 of the **Municipal Act** 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, as amended and the **Municipal Act**.
60. Every director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence.
61. Every person who knowingly furnishes false or misleading information in any **Application** pursuant to Section 8 of this By-law is guilty of an offence.
62. Every person who fails to comply with a term or condition of a **Section 99.1 Permit** under this By-law is guilty of an offence.
63. All contraventions of this By-law or an Order issued pursuant to this By-law are designated multiple and continuing offences pursuant to Subsection 429(2) of the **Municipal Act**.
64. For greater certainty, a separate offence may be charged under this By-law for each or any **Rental Unit** within a single **Regulated Property**.

Penalty

65. Every person who is charged with an offence under this By-law upon conviction is liable as follows:
- a) the maximum fine for an offence is \$100,000;
 - b) in the case of a continuing offence, in addition to the penalty mentioned in Subsection 65(a) of this By-law, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
 - c) in the case of a multiple offence, including offences as described in Section 65 of this By-law, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and

- d) if a person is convicted of an offence under this By-law, the potential for economic advantage acquired by or that accrued to the person as a result of the commission of the offence may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the ***Municipal Act***;
66. If any Section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART IX – TRANSITION

Effective Date

67. This By-law will come into force on January 1, 2025.

Applicability

68. This By-law applies to a proposal for **Demolition** or **Conversion** of a Regulated **Property** in any **Related Planning Application** made on or after January 1, 2025, except where:
- a) a determination on the **Related Planning Application** is made by the applicable approval authority before the Effective Date; or
 - b) the **Related Planning Application** relates to development applications for site-specific official plan amendments under Section 22 of the ***Planning Act*** and/or site-specific zoning bylaw amendments under Section 34 of the ***Planning Act*** that were approved or appealed to the Ontario Land Tribunal prior to January 1, 2025.
69. Notwithstanding Section 68 of this By-law, where a draft plan of condominium is approved prior to January 1, 2025, this By-law shall apply where the draft plan is not registered within one (1) year of the Effective Date.
70. In the case of applications under Section 8 of the ***Building Code Act, 1992***, for interior renovations as described in the definition of **Demolition** in Subsection 1(l), this By-law applies to any **Application** made after the Effective Date.

PART X – GENERAL

71. Any Section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

72. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.
73. References in this By-law to any legislation (including but not limited to regulations and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.
74. This By-law may be referred to as the “Rental Housing Protection By-law”.

PASSED this ____ day of ____, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk