

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

Bill No.

CITY OF HAMILTON

BY-LAW NO. 26-XXX

**To Amend By-law No. 24-055, as amended,
Being the Renovation Licence and Relocation By-law**

WHEREAS Council enacted a Renovation Licence and Relocation By-law No. 24-055;

AND WHEREAS staff recommend By-law 24-055 be amended to clarify obligations and reflect best practices;

AND WHEREAS this By-law provides for an amendment to By-law 24-055, as amended;

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

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
2. That paragraph (v) of subsection 3(b) be deleted and replaced with:
the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1, where Service Manager Consents are required; and
3. That the definition of "Average Market Rent" under section 5 be deleted and replace with:
"Average Market Rent" means rent at average market rent as most recently published by the Canada Mortgage and Housing Corporation (CMHC) in the Hamilton Census Metropolitan Area, based on number of bedrooms in a Rental Housing Unit and Year of Construction;
4. That Section 5 be amended by adding the following definition in alphabetical order:

"Qualified Person" means a person licensed by, and in good standing with, the Ontario Association of Architects or Professional Engineers Ontario, or any other professional in Ontario that the Director deems to be qualified;

5. That paragraph (g) of section 22 be deleted and replaced with:

a copy of a report prepared by a Qualified Person stating that the repairs or renovations are so extensive that they require vacant possession of the Rental Housing Unit; and,

6. That section 25 be deleted and replaced with:

Where a Tenant has notified their Landlord or Operator of their wish to have a right of first refusal pursuant to section 53 of the *Residential Tenancies Act, 2006*, the Landlord or Operator shall within one-hundred and twenty (120) days of the Landlord or Operator serving the notice on the Tenant requiring vacant possession of the Rental Housing Unit, or before the date on which the Tenant notifies the Landlord of its intention to vacate the Rental Housing Unit, whichever is earlier:

- (a) make arrangements with the Tenant:
 - (i) for the Tenant's temporary alternate accommodation that is comparable to the Tenant's current Rental Housing Unit during the period of repair or renovation; or
 - (ii) to provide the Tenant with compensation in an amount equal to the difference between the rent rate currently paid by the Tenant for the Rental Housing Unit being repaired or renovated (including utilities, only if utilities were included in the tenancy agreement with the Tenant of that Rental Housing Unit) and:
 - (a) if the current Rental Housing Unit is a bachelor or one-bedroom unit, the Average Market Rent for a one-bedroom Rental Housing Unit constructed in 2015 or later; or
 - (b) if the current Rental Housing Unit is a two-bedroom unit, the Average Market Rent for a two-bedroom constructed in 2015 or later; or
 - (c) if the current Rental Housing Unit is a three-bedroom unit or more, the Average Market Rent for a two-bedroom constructed in 2015 or later, increased by 15%;

within seven (7) calendar days before the first (1st) day of each month during the period of repair or renovation; and

- (b) make arrangements with the Tenant to:
 - (i) arrange and pay for an insured moving company to relocate the Tenant; or
 - (ii) provide compensation at a rate of:
 - (a) \$1,500 if the current Rental Housing Unit is a bachelor or one-bedroom unit; or
 - (b) \$2,500 if the current Rental Housing Unit has two or more bedrooms; and
 - (c) make arrangements for the Tenant's return to the Rental Housing Unit after completion of the repairs and renovations at a rent that is no more than what the Landlord or Operator may have lawfully charged if there had been no interruption to the Tenant's tenancy.
7. That section 26 be deleted and replaced with:
- The Landlord or Operator shall provide to the Director the particulars of the arrangements made with the Tenant forthwith after such arrangements have been made pursuant to section 25 of this By-law by submitting a completed "City of Hamilton Renovation License Attestation", in a form prescribed by the Director, as amended from time to time.
8. That paragraph (d) of section 29 be deleted and replaced with:
- copies of all correspondence between the Landlord, Operator and Tenant, and any other related documentation, pertaining to the proposed arrangements to provide the Tenant with compensation in an amount equal to the difference between the rent rate currently paid by the Tenant for the Rental Housing Unit being repaired or renovated (including utilities, only if utilities were included in the tenancy agreement with the Tenant of that Rental Housing Unit) and the Average Market Rent pursuant to subsection 25(a)(ii) of this By-law, as applicable; and
9. That section 37 be deleted and replaced with:
- A licence, in accordance with the provisions of this By-law, shall be required for each Rental Housing Unit and/or each Residential Complex for which one or more building permits are issued.
10. That section 38 be deleted and replaced with:
- (a) The Director may reject an application for a licence renewal where any of the documents required by this By-law in support of such application are incomplete or have not been filed.
 - (b) The Director shall reject an application for a licence where any of the

documents required by this By-law in support of such application are incomplete or have not been filed within one-hundred and twenty (120) days of delivering a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* to a Tenant.

11. That section 48 be amended by adding the words "by email to the last known email address," immediately after "may be served personally,".

12. That section 49 be deleted and replace with:

- (a) Service by registered mail, for the purposes of section 48 of this By-law, shall be deemed to have taken place five (5) business days after the date of mailing.
- (b) Service by email, for the purposes of section 48 of this By-law, shall be deemed to have been made on the day of sending unless,
 - (i) the email was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or
 - (ii) the person to whom the order is given establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the order was not received until a later date.

13. In all other respects, By-law 24-055, as amended, is confirmed.

14. The provisions of this By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this _____ day of _____, 2026.

A. Horwath
Mayor

M. Theoharides
City Clerk