

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW No. 2011-184**

**Residential Rental Housing Licensing By-law**

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**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2011-184**

**BEING A BY-LAW TO PROVIDE FOR THE  
LICENSING AND REGULATION OF RESIDENTIAL  
RENTAL UNITS IN THE CITY OF NORTH BAY**

**WHEREAS** subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** subsection 10(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

**AND WHEREAS** subsection 151(1) of the *Municipal Act, 2001*, provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

**AND WHEREAS** subsection 151(5) of the *Municipal Act, 2001*, provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

**AND WHEREAS** the Council for The Corporation of the City of North Bay considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

**AND WHEREAS** section 34(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits a municipality to regulate the minimum and maximum density of development in the municipality or in the area or areas defined in a Zoning By-law;

**AND WHEREAS** section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate certain legislative and quasi-judicial powers;

**AND WHEREAS** subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it.

**AND WHEREAS** section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the 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 any person who contravenes such an order is guilty of an offence;

**AND WHEREAS** the Council of The Corporation of the City of North Bay has ensured that sufficient information has been made available to the public and has held at least one public meeting after due notice of the purpose of informing the public of this By-law;

**AND WHEREAS** the Council of The Corporation of the City of North Bay passed Community Services Committee Report No. 2011-18 on August 15, 2011, to approve the adoption of a by-law to provide for the licensing and regulation of Rental Units in the City of North Bay;

**AND WHEREAS** it is deemed expedient to pass this by-law;

**NOW THEREFORE** the Council of The Corporation of the City of North Bay enacts as follows:

## **1 INTERPRETATION**

### 1.1 For the purposes of this By-law:

**“Apartment Building”** means a building consisting of four or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above;

**“Applicant”** means a person applying for a licence under this By-law;

**“Bedroom”** means a room or area within a Rental Unit used, designed, equipped or intended for sleeping;

**“Building”** means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, loading dock, staging gallery, wall, excavation, storage tank, gasoline pump, pump island, bleacher, fence, swimming pool, grandstand, tent, awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes is deemed a building;

**“By-law Enforcement Coordinator”** means the By-law Enforcement Coordinator of the City or a person delegated by him or her for the purposes of this By-law;

**“Chief Building Official”** means the Chief Building Official as appointed by Council pursuant to the Building Code Act;

**“City”** means The Corporation of the City of North Bay;

**“City Clerk”** means the Clerk of The Corporation of the City of North Bay or a person delegated by him or her for the purposes of this By-law.

**“Converted Dwelling”** means a building which has been altered by the creation of more dwelling units than existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities;

**“Council”** means the Municipal Council of The Corporation of the City of North Bay;

**“Dwelling Unit”** means a suite of habitable rooms which:

- i) is in a building;
- ii) is used or intended to be used by one or more persons as a single, independent and separate household unit;
- iii) contains food preparation and sanitary facilities for the exclusive common use of the occupants, and;
- iv) has a means of egress directly to the outside of the building or structure in which it is located, which may be a means of shared egress with another residential unit.

**“Fire Chief”** means the Chief of North Bay Fire & Emergency Services of the City or a person delegated by him or her for the purposes of this By-law;

**“Gross Floor Area”** means the sum of all floor areas above grade, except in the case of an apartment building where part of the area of the basement is used for a dwelling unit(s), in which case the said area constitutes part of the gross floor area measured between the internal faces of the exterior walls of the building at the level of each floor, including any part of the building above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building used for mechanical purposes which are an integral part of the building;

**“Inspectors”** means:

- i) a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief;
- ii) Chief Building Official;
- iii) Building Inspectors;
- iv) Property Standards Inspectors;
- v) Zoning Administrator; or
- vi) By-law Enforcement Coordinator and any By-law Enforcement Officers designated by the By-law Enforcement Coordinator.

**“Issuer of Licences”** means a person appointed by the Council to issue the licences as set out in this By-law;

**“Landlord”** includes:

- i) each owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

**“Licensee”** means any person, corporation or partnership licensed under this By-law;

**“Lot”** means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a registered Plan of Subdivision, including any part of which is subject to an easement or right-of-way. (Section 44, By-law No. 165-80);

**“Medical Officer of Health”** means the Medical Officer of Health for the North Bay Parry Sound District Health Unit or a person delegated by him or her for the purposes of this By-law;

**“Municipality”** means the land within the geographic limit of the City of North Bay;

**“Owner”** includes:

- i) each person owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

**“Person”** includes:

- i) individuals;
- ii) corporations; and
- iii) partnerships.

**“Rent”** includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord’s agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;

**“Rental Area”** means each Lot as depicted in Schedule “B” of this By-law;

**“Rental Property”** includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situated.

**“Rental Unit”** means a Building or part of a Building:

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities;
- iii) designed for use as a single housekeeping establishment; and
- (iv) used or intended for use as a rented residential premises.

**“Tenant”** includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit.

**“Zoning Administrator”** means the Zoning Administrator of the City or a person delegated by him or her for the purposes of this By-law;

## 2 PROHIBITIONS

- 2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-law.
- 2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.
- 2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.
- 2.4 No person shall operate a Rental Unit while the licence issued under this By-law is under suspension.

## 3 SCOPE

- 3.1 This By-law applies to the specified geographical area as depicted in Schedule “B” of this By-law for those properties that are zoned for low density residential use, which, for the purpose of this By-law, are: “Residential First Density (R1)”, “Residential Second Density (R2)”, “Residential Third Density (R3)”, “Residential Multiple First Density (RM1)”, “Residential Multiple Second Density (RM2)”, or have a legal non-conforming R1, R2, R3, RM1 or RM2 property according to the City’s Comprehensive Zoning By-law No. 28-80, as amended.
- 3.2 This By-law will be phased in according to the following schedule and as shown on Schedule “C” of this By-law:

Remainder of Pinewood/Cedar Heights:	January 2013
West Ferris:	January 2013
Laurentian / Airport Heights:	January 2014
Central Business District/Old City:	January 2015
Circle Lake/Rural:	January 2016
- 3.3 This By-law does not apply to:
  - 3.3.1 a “Housing project” as that term is defined in the *Social Housing Reform Act, 2000*, S.O. 2000, c.27;
  - 3.3.2 an Apartment Building;
  - 3.3.3 a Rental Unit that is occupied by one (1) Tenant, in which no more than one (1) other Bedroom is occupied by a Tenant; or to
  - 3.3.4 a Rental Unit that is occupied by the owner of the Rental Unit as their sole residence and in which no more than two (2) bedrooms are occupied by Tenants.

## **4 ADMINISTRATION**

- 4.1 The administration of this By-law is assigned to the City Clerk who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:
- 4.1.1 receive and process all applications for all licences and renewals of licences under this By-law;
  - 4.1.2 issue licences in accordance with the provisions of this By-law;
  - 4.1.3 impose terms and conditions on licences in accordance with this By-law; and,
  - 4.1.4 refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

## **5 APPLICATION FOR AND RENEWAL OF A LICENCE**

- 5.1 Every application for a licence and renewal licence shall be made to the Issuer of Licences on the forms provided by the Issuer of Licences.
- 5.2 Without limitation, every application for a licence or a renewal shall include the following information:
- 5.2.1 the name, municipal address and telephone number of each Landlord;
  - 5.2.2 the municipal address and legal description of the Rental Unit;
  - 5.2.3 if a Landlord is a corporation, the name, address and telephone number of each director and officer; and shareholder;
  - 5.2.4 if a Landlord is a partnership, the name address and telephone number of each partner;
  - 5.2.5 the number of bedrooms;
  - 5.2.6 a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
  - 5.2.7 each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.
- 5.3 Every person applying for a licence or renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:
- 5.3.1 payment of the prescribed fee as set out in Schedule "A" of this By-law;
  - 5.3.2 a copy of the transfer/deed evidencing a Landlord's ownership;
  - 5.3.3 if a Landlord is a corporation, a copy of:
    - 5.3.3.1 the Landlord's articles of incorporation; and
    - 5.3.3.2 a corporate profile report issued by the Ontario Ministry of Consumer and Business Services;
  - 5.3.4 a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use;

- 5.3.5 a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Waste Management and Property Standards By-laws;
- 5.3.6 a parking plan that complies with the City's Zoning By-law, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;
- 5.3.7 proof of Placement of insurance that:
  - 5.3.7.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
  - 5.3.7.2 identifies the proposed use as residential rental; and that
  - 5.3.7.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- 5.3.8 a statement from or on behalf of the City's Fire Chief confirming that the Rental Property and its proposed use comply with the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations;
- 5.3.9 an initial certificate issued by the Electrical Safety Authority (ESA) confirming that the Rental Property and its proposed use comply with the *Electrical Safety Code, O. Reg. 164/99*, and such further certificates as may be required by an Inspector;
- 5.3.10 a statement from or on behalf of the City's Chief Building Official confirming that the Rental Property and its proposed use comply with the *Building Code Act, 1992* (Ontario) and its regulations;
- 5.3.11 a statement from or on behalf of the City's Zoning Administrator confirming that the subject property is in conformity and compliance with the City's Zoning By-law, No. 28-80, as amended;
- 5.3.12 a statement from or on behalf of the By-law Enforcement Coordinator as to any noise by-law convictions during the previous year at this location and comments thereon; and
- 5.3.13 proof of payment of any fine, fee or property taxes owed to the City by any Landlord respecting any Rental Property; and
- 5.4 All documents and information required by Sections 5.2 and 5.3 must be submitted at the time of the application for or renewal of a licence under this By-law.
- 5.5 The Issuer of Licences may refuse an application for a licence or its renewal where any of the documents required by Sections 5.2 and 5.3 of this By-law are incomplete or lacking in any way.
- 5.6 The Issuer of Licences may also refuse to accept an application for a licence where any of the documents required by clause 5.3.3 and by paragraphs 5.3.7, 5.3.8, 5.3.9 and 5.3.10 of this By-law was issued prior to the sixtieth (60<sup>th</sup>) day preceding the date on which the application is submitted.

## 6 LICENCE ISSUANCE

- 6.1 Each licence shall include the following:
  - 6.1.1 The licence number;
  - 6.1.2 Date the licence was issued and the date it expires;
  - 6.1.3 The municipal address of the Rental Unit;
  - 6.1.4 The name, address and telephone number of each Landlord;
  - 6.1.5 Where a Landlord is a corporation, the name address and telephone number of each director and each officer of the Landlord or of their duly authorized agent; and
  - 6.1.6 Where a Landlord is a partnership, the name, address and telephone number of each partner.
- 6.2 A licence issued under this By-law shall be valid only for the period of time for which it was issued.
- 6.3 Each license shall only be valid for a two (2) year period from the date of issuance, unless suspended or revoked under Section 8.3.
- 6.4 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.
- 6.5 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Property.
- 6.6 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
- 6.7 The Licensee shall notify the City Clerk of any change in ownership of the Rental Unit or Rental Property within seventy-two (72) hours of the completion of such change in ownership.
- 6.8 Within seventy-two (72) hours of a change in ownership for a Dwelling Unit, the new owner shall provide the following information and documentation to the City Clerk in order to have a licence reissued:
  - 6.8.1 the name, municipal address and telephone number of each Landlord;
  - 6.8.2 a copy of the transfer/deed evidencing the new ownership;
  - 6.8.3 proof of Placement of insurance according to section 5.3.7 of this By-law;
  - 6.8.4 a statement by each Landlord certifying no changes have been made to documents submitted according to sections 5.3.4, 5.3.5 and 5.3.6 of this By-law;
  - 6.8.5 a statement by each Landlord certifying the Rental Unit conforms with section 7 of this By-law; and
  - 6.8.6 each Landlord's signature or of any duly authorized Landlord's agent that would bind the Landlord.

- 6.9 Following a change in ownership, a reissued licence under this By-law shall be valid only for the period of time for which it was originally issued.
- 6.10 Following a change in ownership of a Dwelling Unit, no fee shall be required to reissue a licence under this By-law.
- 6.11 All licence fees paid under this By-law are non-refundable.

## 7 LICENCE CONDITIONS

- 7.1 No Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence.
- 7.1.1 Subject to paragraph 7.1.2, 7.1.3 and 7.1.4 of this By-law, the number of Bedrooms occupied by Tenants in the Rental Unit does not exceed five (5);
- 7.1.2 No more than 40% of the Rental Unit's Gross Floor Area – Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;
- 7.1.3 No room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;
- 7.1.4 No more than 40% of the Gross Floor Area – Residential of the Rental Unit's ground floor may be comprised of Bedrooms;
- 7.1.5 Each Tenant is a party to a written tenancy agreement with a Landlord;
- 7.1.6 A Landlord does not directly or indirectly require or cause a Tenant to refuse or consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-law;
- 7.1.7 A Landlord notifies the Issuer of Licences in writing within two (2) days of any change to any information provided pursuant to section 5 and 6 of this By-law;
- 7.1.8 A legible copy of the licence is posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door;
- 7.1.9 A Landlord maintains insurance respecting the Rental Unit that:
- 7.1.9.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
- 7.1.9.2 identifies the use as residential rental; and
- 7.1.9.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
- 7.1.10 The Landlord and the Rental Property comply with all applicable law including:
- 7.1.10.1 the *Health Protection and Promotion Act* (Ontario) and its regulations, as amended;

- 7.1.10.2 the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations, as amended;
  - 7.1.10.3 the *Electrical Safety Code, O. Reg. 164/99*, as amended;
  - 7.1.10.4 the *Building Code Act, 1992* (Ontario) and its regulations, as amended;
  - 7.1.10.5 the City's *Carbon Monoxide Alarm By-law*, as amended;
  - 7.1.10.6 the City's *Zoning By-law*, as amended;
  - 7.1.10.7 the City's *Property Standards By-law*, as amended; and
  - 7.1.10.8 the City's *Waste Management By-law*, as amended.
- 7.1.11 No fine, administrative penalty or fee is owed to the City by any Landlord;
- 7.1.12 The Landlord and the Rental Property comply with the maintenance plan submitted pursuant to section 5.3.5 of this By-law; and
- 7.1.13 No vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan pursuant to section 5.3.6 of this By-law.

## **8 POWERS OF THE ISSUER OF LICENCES**

- 8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the City Clerk.
- 8.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 8.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:
- 8.3.1 the conduct of the Applicant or Licencee, or any partner, officer, director, employee or agent of the Applicant or Licencee, affords reasonable cause to believe that the Applicant or Licencee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
  - 8.3.2 there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licencee contains a false statement;
  - 8.3.3 an Applicant or Licencee is carrying on activities that are in contravention of this By-law; or,
  - 8.3.4 an Applicant or Licencee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-law.
- 8.4 Notwithstanding any other provision of this By-law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-law.

8.5 Where the City Clerk is of the opinion that:

8.5.1 an application for a licence or renewal of a licence should be refused;

8.5.2 a reinstatement should not be made;

8.5.3 a licence should be revoked;

8.5.4 a licence should be suspended, or,

8.5.5 a term or condition of a licence should be imposed;

the City Clerk shall make that decision.

8.6 Where the City Clerk has made a decision under subsection 8.5, the City Clerk's written notice of that decision shall be given to the Applicant or the Licencee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the address of the corporation's registered head office.

8.7 The written notice to be given under subsection 8.6 shall:

8.7.1 set out the grounds for the decision;

8.7.2 give reasonable particulars of the grounds;

8.7.3 be signed by the City Clerk; and,

8.7.4 state that the Applicant or Licencee is entitled to a hearing by the Hearing Committee if the Applicant or Licencee delivers to the City Clerk, within ten (10) days after the notice in subsection 8.6 is served, and the appeal fee as set out in Schedule "A" of this By-law.

8.8 Where no appeal is registered within the required time period, the decision of the City Clerk shall be final.

8.9 Despite subsection 8.7 where a licence is voluntarily surrendered by the Licencee for revocation, the City Clerk may revoke the licence without notice to the Licencee.

## 9 VARIANCE

9.1 The City of North Bay may authorize variances from this By-law with respect to the number of Bedrooms if:

9.1.1 in the opinion of the City the general intent and purpose of this By-law are maintained; and

9.1.2 the single detached dwelling was originally constructed to contain more than the maximum number of bedrooms as permitted by this By-law

9.2 Applications for variances shall be submitted to the Planning Department and shall be made by completing and submitting:

9.2.1 A written request to vary the By-law with respect to the number of bedrooms

9.2.2 Documented proof of the original construction of the single detached dwelling, showing the original number of bedrooms

- 9.2.3 A completed License Application including such information as the applicant is required to provide under Section 5
- 9.2.4 The full variance fees and application fees as set out on Schedule A
- 9.3 Where an application under Section 9.2 is incomplete, the Planning Department may refuse to accept the application. For the purpose of this section, an application is incomplete where it does not contain the information as set out in Section 9.2
- 9.4 All Variance requests shall be heard and determined by Council, unless Council delegates such approval. All decisions of Council or its delegate shall be considered final and binding.
  - 9.4.1 Section 10, Hearings before the Hearing Committee does not apply for the purpose of a request for variance from the By-law.
- 9.5 In considering the application for variance, the City shall have regard for:
  - 9.5.1 special circumstances or conditions applying to the land, building or use referred to in the variance application;
  - 9.5.2 whether such special circumstance or conditions are pre-existing and not created by the Owner or applicant;
  - 9.5.3 whether the property that is subject of the variance application will negatively alter the character of the general area in which the property is located; and
  - 9.5.4 that all applicable requirements under the Ontario Building Code and Ontario Fire Code are being met.
  - 9.5.5 Whether the Owner has submitted all other information and plans required under this by-law to show strict compliance with this by-law in all other respects.

## **10 HEARINGS BEFORE THE HEARING COMMITTEE**

- 10.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearing Committee as set out in the City's Procedural By-law.
- 10.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearing Committee under this By-law.
- 10.3 When the Applicant or Licencee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Committee may proceed with the hearing in his or her absence and the Applicant or Licencee shall not be entitled to any further notice of the proceeding.
- 10.4 At the conclusion of the hearing, the Hearing Committee may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licencee and the Issuer of Licences.
- 10.5 The Hearing Committee may uphold or vary the decision of the Issuer of Licences or make any decision that the Issuer of Licences was entitled to make in the first instance.
- 10.6 The decision of the Hearing Committee is final.

10.7 Notwithstanding anything in this By-law to the contrary, where an Applicant or Licencee appeals against or requests a review of a decision concerning a Rental Housing licence, no decision in the appeal or review shall be made unless each Owner of a Lot situated within thirty (30) meters of the Rental Property subject of the appeal or review has been given no fewer than seven (7) days notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

## 11 ENFORCEMENT

11.1 Inspectors, acting under the Fire Chief's, Chief Building Official's, Zoning Administrator's or By-law Enforcement Coordinator's instructions, may enforce this By-law.

11.2 Subject to section 437 of the *Municipal Act, 2001*, as to entry of dwelling units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

11.2.1 this By-law is being complied with;

11.2.2 a direction or order of the City made pursuant to the *Municipal Act, 2001*, or any successor thereof or made pursuant to a By-law of the City is being complied with;

11.2.3 a condition of a licence issued under a by-law of the City is being complied with; or

11.2.4 an order made pursuant to Section 431 of the *Municipal Act, 2001*, which prohibits the continuation or repetition of an offence is being complied with.

11.3 An Inspector may for the purpose of an inspection:

11.3.1 require the production for inspection of documents or things relevant to the inspection;

11.3.2 inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;

11.3.3 acquire information from any person concerning a matter related to the inspection ; and

11.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test samples or photographs necessary for the purpose of the inspection.

11.4 The Inspector may undertake inspections pursuant to orders which are made pursuant to section 438(2) of the *Municipal Act, 2001*.

11.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

## 12 PENALTIES

12.1 Any person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

12.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

- 12.3 A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.
- 12.4 Despite section 12.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.
- 12.5 If 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,
- 12.5.1 prohibiting the continuation or repetition of the offence by the person convicted; and,
  - 12.5.2 requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

### **13 ADMINISTRATIVE PENALTIES**

- 13.1 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with this section 13, be liable to pay to the City an administrative penalty in the amount of \$250.
- 13.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.
- 13.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- 13.3.1 Particulars of the contravention;
  - 13.3.2 The amount of the administrative penalty;
  - 13.3.3 Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
  - 13.3.4 A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.
- 13.4 No Officer may accept payment of an administrative penalty.
- 13.5 A person who receives a penalty notice may request a review of the administrative penalty by the Hearing Committee in accordance with this paragraph 13.5.
- 13.5.1 The person's right to request a review expires on the tenth (10<sup>th</sup>) day after the penalty notice is given to the person.
  - 13.5.2 The person's right to request that the Hearing Committee extend the time to request a review expires on the twentieth (20<sup>th</sup>) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.
  - 13.5.3 The person shall be given seven (7) days notice of the date, time and place of the hearing of a review request under clause 13.5.1 or an extension request under clause 13.5.2.

- 13.5.4 The Hearing Committee shall not make a determination with respect to a review request under clause 13.5.1 or an extension request under clause 13.5.2 unless the Hearing Committee has given to the Licencee, the Issuer of Licences and the Officer who issued the penalty notice an opportunity to be heard.
- 13.5.5 The Hearing Committee may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
- 13.5.6 The Hearing Committee may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearing Committee is satisfied that doing so would maintain the general intent and purpose of this By-law and that
- 13.5.6.1 there is reason to doubt that the person contravened this By-law;
  - 13.5.6.2 the person took all reasonable steps to prevent the contravention; or that
  - 13.5.6.3 the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 13.5.7 The decision of a Hearing Committee is final and not subject to review including review by any Court.
- 13.5.8 The Issuer of Licences may at any time cancel, reduce or extend the time for payment of an administrative penalty, including the cancellation or reduction of any late payment fee imposed pursuant to paragraph 13.5.12 of this By-law where he or she is satisfied that doing so would maintain the general intent and purpose of this By-law.
- 13.5.9 An administrative penalty that is deemed to be affirmed pursuant to clause 13.5.2 or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 13.5.5 or paragraph 13.5.6 constitutes a debt to the City of each person to whom or to which the penalty notice was given.
- 13.5.10 Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 13.5.5 or paragraph 13.5.6, the City shall refund the amount cancelled or reduced.
- 13.5.11 Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.
- 13.5.12 Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person to whom the penalty notice was given shall pay to the City a late payment administrative fee pursuant to Schedule "A" of this By-law.

## **14 MISCELLANEOUS**

- 14.1 This by-law may be referred to as the "Residential Rental Housing Licensing By-law".
- 14.2 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

14.3 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard shall apply.

14.4 This by-law shall come into force and effect on January 1, 2012.

READ A FIRST TIME IN OPEN COUNCIL THE 29<sup>th</sup> DAY OF AUGUST, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE 29<sup>th</sup> DAY OF AUGUST, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 29<sup>th</sup> DAY OF AUGUST, 2011.

"original signature on file"

\_\_\_\_\_  
MAYOR ALLAN McDONALD

"original signature on file"

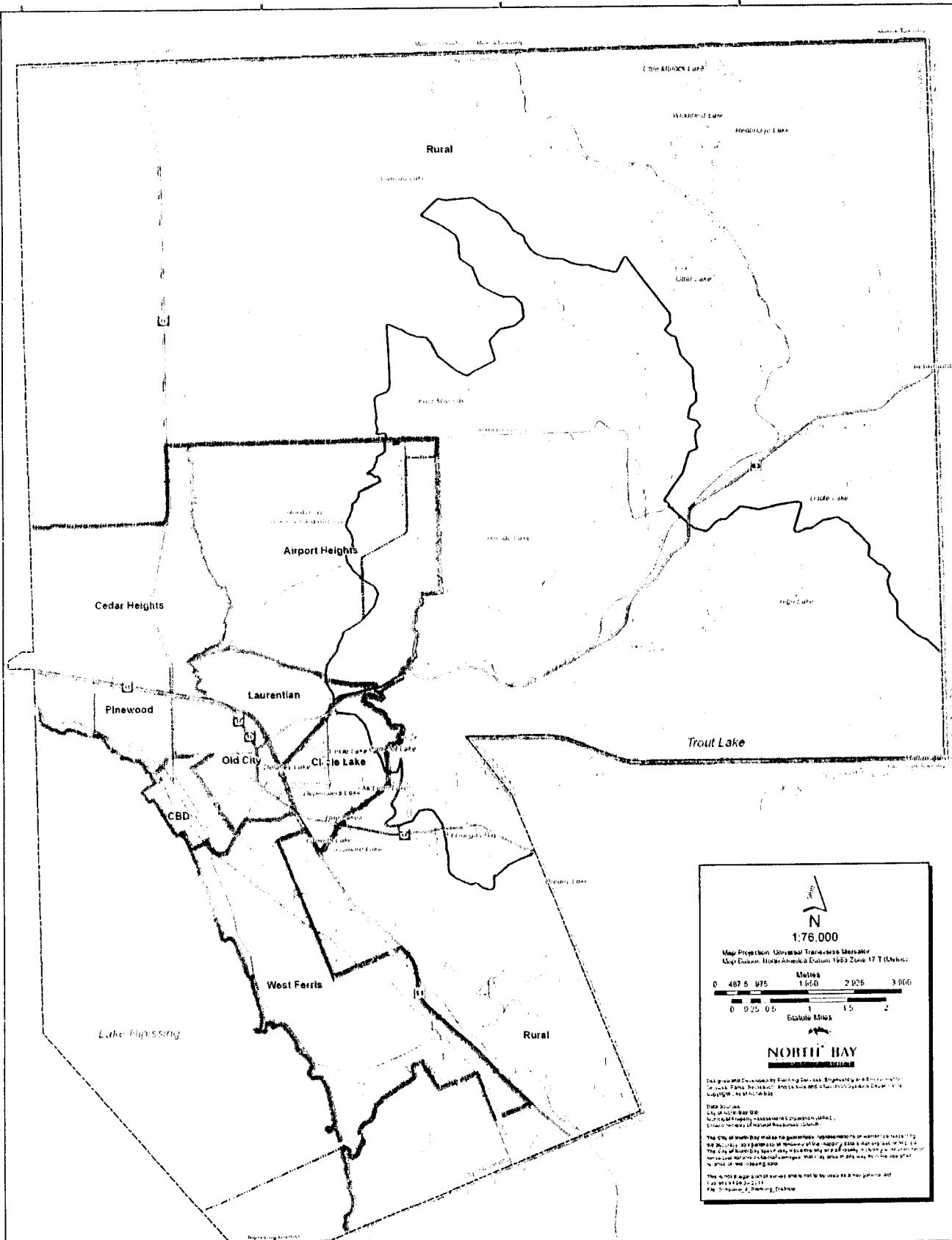
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CITY CLERK CATHERINE CONRAD

**FEES**

Licence Fee for a licence for each Rental Property	\$ 300.00
Licence Renewal Fee for each licence renewed under this By-law	\$ 300.00
Late Payment Fee	\$ 25.00
Appeal Fee	\$ 50.00
Variance Application Fee	\$300.00



**Phase In Area**



This By-law will be phased in according to the following schedule:

Remainder of Pinewood/Cedar Heights:	January 2013
West Ferris:	January 2013
Laurentian / Airport Heights:	January 2014
Central Business District/Old City:	January 2015
Circle Lake/Rural:	January 2016