

The Corporation of the Township of Centre Wellington

By-law 2020-47

A By-law of the Corporation of the Township of Centre Wellington to require adequate and suitable vital services for rental dwelling units

Whereas subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

And Whereas subsection 11(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 11(2) of the Municipal Act, 2001 provides that a municipality may pass By-laws respecting: in paragraph 6, Health, safety and wellbeing of persons;

And Whereas section 23.1 of the Municipal Act, 2001 provides that a municipality may delegate its powers and duties under that Act;

And Whereas for the purposes of subsection 23.2(4) of the Municipal Act, 2001 it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1.0 Title and Scope

1.1 This By-law may be referred to as "Vital Services By-law"

1.2 The standards for maintenance of property set forth in this By-law are hereby prescribed and adopted as the minimum requirements for all property within the Township for the purposes of enhancing the quality of health, safety and wellbeing of persons.

1.4 Applied meaning of words and term

1.4.1 Interchangeability: Words used in the present tense including future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

1.5 Conflict

1.5.1 Where there is a conflict between a provision of this By-law and a provision of any other Township By-law, the provision that establishes the highest standards to protect the health and safety of the public shall apply.

1.5.2 Where the provisions of this By-law conflicts with any Act, the provisions of the provincial standards shall prevail.

1.5.3 If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

2.0 Definitions

In this By-law:

"adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls in all habitable space and in any area intended for normal use by tenants, including recreation rooms and laundry rooms but excluding locker rooms and garages;

"adequate and suitable supply of hot water" means a supply of hot water at the ordinary temperature of at least forty-nine (49) degrees Celsius in a quantity of at least one hundred sixty-five (165) litres for fifteen (15) minutes with a minimum recovery rate for the temperature of forty-five (45) litres per hour;

“By-law” means this By-law;

“Council” means the Council of the Corporation of the Township of Centre Wellington;

“Landlord” includes,

- (a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

“Municipal Law Enforcement Officer” means a person employed by the Township and appointed as a Municipal Law Enforcement Officer by the Township.

“Rental Unit” means any living accommodation used or intended for use as rented residential premises, and “rental unit” includes,

- (a) a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and
- (b) a room in a boarding house, rooming house or lodging house and a unit in a care home;
- (c) an apartment or rental unit within a dwelling
- (d) a rental unit within a multi-residential building

“Township” means the Township of Centre Wellington

"Vital Service" means hot or cold water, fuel, electricity, gas or heat;

3.0 Responsibilities of Landlord

3.1 Every landlord shall provide adequate vital services for every rental unit that is rented and occupied by a tenant.

3.2 Every landlord shall ensure that:

- a)** Each rental unit is provided with a continuous supply of adequate and suitable heat between the first day of November of each year and the first day of April in the following year with a minimum indoor air temperature of 20 degrees Celsius;
- b)** All rental units are supplied or are connected to a heating system that is capable of maintaining adequate and suitable heat;
- c)** Portable or auxiliary heating equipment is not the primary source of heat; and
- d)** Each rental unit is provided with an adequate and suitable supply of hot water, cold water, fuel, electricity, and gas.
- e)** When it is necessary to safely make repairs or alterations to a rental unit, a landlord may cause or allow the discontinuance of a vital service to a rental unit, but only for a the minimum period necessary to effect the repair or alteration.
- f)** For the purposes of subsection 3.2(e), a Landlord shall be deemed to have caused the cessation of a vital service of a rental unit if the landlord is obligated to pay the supplier for the vital service and fails to do so, and as a result of the non-payment, the vital service is no longer provided for the rental unit
- g)** If the tenant has entered into an agreement with a landlord in which the tenant is responsible for paying a vital service provider directly, and a vital service provider has ceased access to the vital service due to non-payment, the landlord is not responsible for restoring the vital service.

4.0 Enforcement

4.1 A Municipal Law Enforcement Officer may, at all reasonable times, enter and inspect a building or part of a building for the purpose of determining compliance with the provisions of this By-law, however a Municipal Law Enforcement Officer shall not enter into a rental unit unless:

- a) The Municipal Law Enforcement Officer has obtained the consent of the occupier of the rental unit after informing the occupier that he or she has the right to refuse permission to enter the unit; or
 - b) The Municipal Law Enforcement Officer is authorized to do so under the authority of a search warrant duly issued for the specific rental unit.
- 4.2** No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 4.3** Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 4.4** Every person who contravenes any provision of this By-law, upon conviction, is guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended. Each day that such offence is committed, or permitted to continue shall constitute a separate offence and may be punishable as such.
- 4.5** Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law and the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.6** Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.7** If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 5.0 Orders**
- 5.1** If a Municipal Law Enforcement Officer is satisfied that contravention of any provisions within this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law, or who caused or permitted the contravention or the owner of the lot on which the contravention occurred to:
- a) Discontinue the contravening activity; and/or
 - b) Do work to restore the vital service
- 5.2** An Order under section 5.1 shall set out:
- a) Reasonable particulars of the contravention adequate to identify the contravention;
 - b) The location of the land on which the contravention occurred; and
 - c) Either:
 - i. In the case of an Order under section 5.1(a), the date by which there must be compliance with the Order; or
 - ii. In the case of an Order under section 5.1(b), the work to be done and the date by which the work must be done.
- 5.3** An Order issued under this By-law shall be served on the person the Officer believes is contravening this By-law by personal delivery, placing a placard in a conspicuous place on the subject property, or registered mail at the last known address. The Order shall be deemed to have been served on the seventh day after the date of mailing or on the date of personal delivery or placing of the placard on the subject property.
- 6.0 Penalties**
- 6.1** Any person who contravenes an Order made pursuant to this By-law is guilty of an offence.
- 6.2** Every person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- a) on a first offence, to a fine not less than \$100.00 and not more than \$50,000.00; and
 - b) on a second offence and each subsequent offence, to a fine not less than \$1,000 and not more than \$100,000.00

- 6.3** Every Person who contravenes a provision of this By-law is guilty of an offence for each day or part of a day on which the offence occurs or continues, and upon conviction is liable to the penalties provided for in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 6.4** Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 6.5** Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer or Director upon request, failure to do so shall be deemed to have hindered or obstructed an Officer or Director in the execution of his or her duties.
- 6.6** Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended
- 6.7** If a Person convicted of an offence for contravening a provision of this By-law or an Order made under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person, to correct the contravention in such manner and within such period as the court considers appropriate, including but not limited to, restoring any vital service.
- 7.0 Severability**
- 7.1** If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 8.0 Singular and Plural use**
- 8.1** In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.
- 9.0 Effective Date**
- 9.1** The By-law shall come into force and take effect upon passing.

Read a first, second and third time and finally passed this 26th of October, 2020.



Mayor – Kelly Linton



Clerk – Kerri O'Kane