

Memorandum

Office of the City Clerk
Fax: 623-5468
Telephone: 625-2230

TO: Members of Council
FROM: Krista Power, City Clerk
DATE: Friday, August 19, 2022
SUBJECT: Additional Information # 2
Committee of the Whole – August 22, 2022

COMMITTEE OF THE WHOLE

Additional Information

1. Deputation request received from Wayne Fortes requesting to appear before Committee relative to Ice Allocation Policy.
2. Memorandum from Manager – Licensing & Enforcement Doug Vincent, dated August 19, 2022 relative to Referral of Report R106-22 (Licensing and Enforcement) – New Municipal Standards For Property, Clean & Clear Yards, Vacant Buildings Security and Minimum Heat By-laws- Update and Outline of Changes.

New Business

1. Memorandum from Mayor Bill Mauro, dated August 19, 2022 containing a motion relative to Rural and Northern Immigration Pilot program

Please note the following response to Speak to City Council has been submitted at Thursday August 18th 2022 3:41 PM with reference number 2022-08-18-011.

- **Please state what agenda item you would like to speak about:**
Ice Allocation Policy
- **What are you requesting from Council?**
change in City Policy or Program
- **Have you already been in contact with City Administration in regards to the subject matter of your deputation request?**
Yes
- **If yes, what was the outcome?**
Non Agreement
- **Please select the date of the meeting:**
Committee of the Whole - Monday, August 22, 2022
- **Please choose**
Mr
- **First name:**
Wayne
- **Last name:**
Fortes
- **Email:**
wayne.fortes1056@gmail.com
- **Phone:**
(807) 627-8371
- **Organization you represent: (optional)**
Thunder Bay Minor Hockey

Please note the names of the presenters that will be attending with you:

Mark Antenucci



Licensing & Enforcement

Fax: 625-2977

Telephone: 625-2644

MEMORANDUM

TO: Krista Power, City Clerk

FROM: Doug Vincent, Manager–
Licensing & Enforcement Services
Development and Emergency Services

DATE: August 19, 2022

RE: Referral of Report R106-22 (Licensing and Enforcement) – New Municipal Standards For Property, Clean & Clear Yards, Vacant Buildings Security and Minimum Heat By-laws- Update and Outline of Changes.

At the August 8, 2022 meeting of Council, Council approved a Memorandum from the Manager of Licensing & Enforcement recommended that Council extract the Resolution passed at the July 25, 2022 Committee of the Whole minutes related to Report 106-22 (Licensing and Enforcement) “New Municipal Standards For Property, Clean & Clear Yards, Vacant Buildings Security and Minimum Heat By-laws” and vote on it separately in order to refer back to Administration to complete minor housekeeping edits and for the By-laws to be brought back to the August 22, 2022 meeting, in final form for consideration.

The minor edits for all by-laws are largely grammatical, punctuation, typos and formatting improvements. There are also minor corrections to cross-referenced section numbers in one by-law and definitions added or modification to conform to terms used in the by-laws and legislation surrounding how vehicle registrations are maintained. These minor corrections are summarized for each by-law as follows:

Minimum Heat By-law

- “Landlord” definition removed- (captured by owner definition)
- “Explanation” Section 12(2) removed- not required

Vacant Building Security By-law

- Alphabetical placement corrections – definitions
- Rewording for clarity (Sec. 11)

Clean & Clear Yards By-law

- Expand to clarify permitted car cover (Sec.8)
- Revise “Inoperative Vehicle” definition – provincial clarification on continued registration requirements
- Create definition for “Order” – Conform to contents of By-law

Municipal Standards For Property

- Clarified Section 4(f) –added Canadian Construction Association
- Added “Inoperative vehicle” definition consistent with Clean & Clear Yards By-law definition
- Sec. 6 Clarified what is included in “wrecked” vehicle removal section
- Created new Section 54 “Water Supply & Appliances” moved from larger Section 53 for clarity
- Corrected cross-reference errors
- Included section to authorize “Repeal” of existing by-law, upon passing (Sec. 70)

As such, Administration recommends the following:

WITH RESPECT to Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) we recommend that the draft Municipal Standards for Property By-law, as appended as Attachment A to this memorandum, be approved;

AND THAT the draft Clean & Clear Yards By-law, as appended as Attachment B to this memorandum be approved;

AND THAT the draft Vacant Building Security By-law, as appended as Attachment C to this memorandum be approved;

AND THAT the draft Minimum Heat By-law, as appended as Attachment D to this memorandum, be approved;

AND THAT once approved the associated By-laws outlined in this report be presented to City Council on or before September 12, 2022 for ratification.

Doug Vincent
 Manager, Licensing and Enforcement

cc. Karen Lewis, GM Development & Emergency Services
 Patty Robinet, City Solicitor
 Michael Grimaldi, Solicitor



Memorandum

Corporate By-law Number BL 95/2022

TO: Office of the City Clerk **FILE:**

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: 08/16/2022

SUBJECT: BL 95/2022 – Municipal Standards For Property By-Law

MEETING DATE: City Council – 09/12/2022 (mm/dd/yyyy)

By-law Description: A By-law to prescribe standards for the maintenance and occupancy of property and to prohibit occupancy, in the City of Thunder Bay and to repeal By-law 66-2008.

Authorization: Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) Committee of the Whole - July 25, 2022 and Memorandum from Doug Vincent relative to Referral of Report R 106/2022 (Development & Emergency Services/Licensing & Enforcement) Committee of the Whole August 22, 2022

By-law Explanation: The purpose of this By-law is to provide for the minimum standards of maintenance and occupancy and to ensure that property is repaired and maintained to these standards.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF
THUNDER BAY
BY-LAW NUMBER BL 95/2022

A By-law to prescribe standards for the maintenance and occupancy of property and to prohibit occupancy, in the City of Thunder Bay and to repeal By-law 66-2008..

Recitals:

1. On June 9, 2008 City Council approved By-law 66-2008, being a by-law to establish standards for the maintenance and occupancy of property in the City of Thunder Bay
2. Under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;
3. The Official Plan for the City of Thunder Bay includes provisions relating to property conditions;
4. The Council of The City of Thunder Bay is desirous of passing a By-law under Section 15.1 (3) of the *Building Code Act*, S.O. 1992, c.23;
5. Section 15.6 (1) of the *Building Code Act*, S.O. 1992, c.23 requires that a By-law passed under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;
6. Section 10 (2) (6) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;
7. It is now deemed appropriate to repeal and replace By-law 66-2008.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. **SHORT TITLE**

This By-law may be cited as the “ Municipal Standards For Property By-law.”

2. SCOPE OF THIS BY-LAW

This By-law shall apply to all land within the geographic boundaries of the Corporation of the City of Thunder Bay, including residential, non-residential, and vacant land, except those lands owned or controlled by the City that are not otherwise then leased or under control of another person(s) or party.

3. DEFINITIONS

- a) “**Accessory Building**” means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property;
- b) “**Act**” means an enactment or statute of the Province of Ontario;
- c) “**Approved**” means acceptance by the Property Standards Officer;
- d) “**Basement**” means that portion of a Building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- e) “**Building**” means a type of structure having a roof supported by columns or walls designed for use for the accommodation or storage of persons, animals, goods, materials, or equipment;
- f) “**Building Code**” means the Building Code Act, S.O. 1992, c.23, as amended, and any regulations made thereunder;
- g) “**Chief Building Official**” means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, c. 23 and having jurisdiction for the enforcement thereof;
- h) “**City**” means the Corporation of the City of Thunder Bay; “the Corporation” shall have the same meaning;
- i) “**Code**” means a regulation of the Province of Ontario known:
 - i. With respect to matters relating to building, as the Building Code;
 - ii. with respect to matters relating to electricity, as the Electrical Safety Code;
 - iii. with respect to matters relating to fire, as the Fire Code; and
 - iv. with respect to matters relating to plumbing, as the Building Code;

- v. with respect to matters relating to elevating devices, as the Technical Standards and Safety Act, 2000.
- j) “**Committee**” means a Property Standards Appeal Committee established under this By-law;
- k) “**Council**” means the Council of the Corporation of the City of Thunder Bay;
- l) “**C.S.A. B-365 Standard**” means the Canadian Standards Association’s approved Standard for solid wood burning fuel appliances and includes any amendments or replacement legislation to regulate solid fuel burning appliances;
- m) “**Defect Notice**” means a notice issued by an Officer that notifies the owner of property of defects therein, that do not comply with the provisions of this By-law and require an acknowledgement;
- n) “**Dwelling**” means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- o) “**Dwelling Unit**” means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment;
- p) “**Exterior property area**” means the building lot excluding buildings;
- q) “**Fence**” means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen;
- r) “**First Storey**” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;
- s) “**Ground cover**” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass

or other landscaping;

- t) **“Guard”** means a balustrade or protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;
- u) **“Habitable Room”** means any room in a Dwelling unit lawfully used or designed to be used for the purposes of living, sleeping, eating, cooking or preparation of food and, without limiting the foregoing, shall include a den, library, sunroom, recreational room, or any combination thereof;
- v) **“Hazard”** means Lands, Buildings, structures, or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these and includes unsafe containers which have a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.
- w) **“Inoperative Vehicle”** means any Vehicle, motor vehicle, vessel, trailer or camping trailer which, that appears by reason of its appearance, mechanical, functional or structural condition not to be operative and includes those vehicles that require a valid license plate be displayed to operate on a highway and have in existence proof of a valid and current registration, pursuant to the provisions of the Highway Traffic Act and amendments thereto, regardless of whether it is required at the time of inspection, and includes all vehicles or vessels that are wrecked, discarded, dismantled or abandoned, or a vehicle or vessel which has had part or all of its superstructure or motor power removed;
- x) **“Land”** means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. Reference to “Land” includes all Buildings and Structures, including fences, on the Land.
- y) **“Non-habitable space”** means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a Building, or a room or space which does not comply with the minimum standards for residential occupancy;
- z) **“MLEO”** means any person appointed as a Municipal Law Enforcement Officer for the City, or a police officer.
- aa) **“Non-Residential Property”** means a building or structure or part of a

building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant, and all of the outbuildings, fences, or erections thereon or therein;

- bb) **“Natural Garden Area”** means a yard, or any portion thereof, containing vegetative growth deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native consistent with a managed and natural landscape, other than Turfgrass;
- cc) **“Nuisance”** means any condition or use of Land which unreasonably interferes with the use and enjoyment of another person’s Land. Examples include, but are not limited to:
- i. emissions of smoke, gas, fumes, dust, or sawdust;
 - ii. objectionable odours; or
 - iii. the unsightly storage of goods, wares, merchandise, debris or other material.
- dd) **“Officer (Property Standards)”** means a Municipal Law Enforcement Officer who has been appointed by the City as a Property Standards Officer and been assigned the responsibility of administering and enforcing a by-law passed under section 15.1 of the Building Code;
- ee) **“Order”** means an order, issued by a Officer (Property Standards), pursuant to section 15.2 of the Building Code Act, to remedy defects in standards for maintenance and occupancy; an Order-To-Comply has the same meaning.
- ff) **“Owner”** shall include the registered property owner or agent thereof: a person having or appearing to have beneficial ownership or care and control of the property, and an owner as defined by the Building Code Act, 1992;
- gg) **“Potable Water”** means water meeting all the provincial standards for drinking.
- hh) **“Person”** means and includes any person, firm, partnership, corporation, company, association, or organization of any kind;
- ii) **“Safe Condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any person on or about the property, and includes a structurally sound condition;
- jj) **“Sewage system”** means the City of Thunder Bay’s system of storm

sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official for the City;

- kk) **“Sign”** means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise, or direct attention to any person, business, service, commodity or use;

- ll) **“Swimming Pool”** means an outdoor pool of water for swimming, bathing, wading, or reflecting, which is capable of retaining a water depth equal to or greater than sixty centimeters (60 cm) or twenty-four inches (24 in) at any point. The term does not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with, and located on, Land devoted to the practice of farming.

- mm) **“Unsafe Condition”** is a descriptive phrase for Land, Buildings, Structures, or material, that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.

- nn) **“Unsightly Condition”** means, in relation to land, having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality or neighbourhood and could be described as inconsistent with the reasonable characteristics of the surrounding community

- oo) **“Vacant Building”** means a building that is partially or entirely vacant and includes a building that is partially or entirely vacant and occupied by unauthorized persons;

- pp) **“Vehicle”** means a motor vehicle, vessel, trailer, boat, motorized snow vehicle, off-road vehicle or other mechanical power driven equipment;

- qq) **“Vermin”** means mammals, birds, or insects injurious to humans, physical property, game, livestock, or crops. Examples include but are not limited to: skunks, rats, termites, poisonous insects or reptiles, moths, and mice;

- rr) **“Visual barrier”** shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal, or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official;

- ss) **“Waste”** means any debris, rubbish, refuse, sewage, effluent, discard,

or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather;

tt) **“Yard”** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

4. GENERAL

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.
- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a Code, when such provision(s) provide for the protection of persons in relation to the use of the property, regardless whether that standard is specifically set out in this By-law or not.
- c) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard, and shall leave the property in a graded and leveled condition.
- d) The owner of any property that has not complied with a confirmed order that seeks to remedy any Unsafe Condition shall not occupy or permit the occupancy of the property until such time as the order has been complied with or the property is cleared of all structures and left in a graded and level condition.
- e) All repairs and maintenance of property required by this By-law shall be carried out in a manner and with materials that are accepted as good workmanship in the trades concerned.
- f) For the purposes of subsection e) and without limiting subsection e), “carried out in a manner and with materials that are accepted as good

workmanship in the trades concerned” includes:

- i. carried out with materials suitable and sufficient for that purpose and free from defects; and
 - ii. carried out in a manner consistent with the recognized national and international industry best practices, including those of the Canadian Construction Association; and
 - iii. where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.
- g) All new construction or extensive repairs shall conform to the *Ontario Building Code* where applicable.
- h) This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
- i) Nothing in this By-law, including the doing of any required works to comply with this By-law or an Order or Defect Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements that must be complied with.
- j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements, including weather, sun, and other environmental factors, that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains, or through other specific treatments designed to protect and maintain those surface areas requiring treatment.
- k) All lands and structures thereon, including fences, shall be kept clear and free from graffiti, unauthorized signs, objectionable defacements, or similiar markings.

5. UNSAFE CONDITIONS

Without limiting any other provisions of this By-law, any condition on or within a property which may pose or constitute an undue or unreasonable danger, Unsafe Condition, hazard, or risk to the health or safety of any person, place, or thing shall be abated or immediately removed by the owner or occupant thereof.

EXTERIOR LANDS

6. EXTERIOR PROPERTY

- a) All exterior areas of a property shall be kept clean and free of litter, rubbish, waste, salvage, refuse, dead, decaying, or damaged trees, branches and limbs, or any other objects or conditions that might create a health, fire, accident hazard, or Unsafe Condition.
- b) Every property shall be kept free from garbage, rubbish, waste, or accumulations of any materials that prevent access to or exit from the property
- c) Without restricting the generality of this Section, the maintenance of Land includes the removal of:
 - i. Rubbish, garbage, waste, litter and debris;
 - ii. Injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation;
 - iii. Wrecked, dismantled, inoperative vehicles, discarded or unlicensed vehicles, vessels, off-road vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant By-laws or statutes; and
 - iv. Dapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

7. GARBAGE RECEPTACLES

Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes, or waste, which accumulates on the property and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

- a) Receptacles for garbage shall be:
 - i. made of watertight construction;
 - ii. provided with a tight fitting cover which may be removed only when the receptacle is empty or is being actively loaded;
 - iii. maintained in good condition without holes or spillage; and
 - iv. closed, or emptied, rinsed, and cleaned when not in use to prevent the escape of offensive odour or waste.
- b) Plastic bags shall be considered acceptable receptacles provided they are:
 - i. adequately secured so as to prevent spillage;
 - ii. not stored outdoors unless protected from access by animals or vermin and screened from public view;
 - iii. maintained in good condition without holes; and
 - iv. does not create a Nuisance, Hazard or Unsafe Condition.
- c) Paper receptacles are not acceptable except where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection By-laws.
- d) Where commercial, industrial, or residential on site garbage containers are visible from a public street, land, or residential properties, the area where the receptacles are stored shall be screened from public view.

8. LANDSCAPING AND TREES

- a) Grass, trees, bushes, hedges, and other landscaping shall be maintained to prevent a Nuisance, Hazard or Unsafe Condition.
- b) Non-organic ground cover and site facilities shall be maintained in a safe condition free from Hazard

9. UNENCLOSED PORCHES AND CARPORTS

Every unenclosed porch, balcony, or carport, and every exterior and common area shall be kept free of garbage or waste material.

10. LOT GRADING AND DRAINAGE

- a) All Yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.
- b) All roof, driveways, sump pump, or other surface drainage, and the drainage of water from swimming pools, shall not be discharged directly or indirectly on to an entranceway, walkway, sidewalk, stair, steps, adjacent property, sidewalk, highway, public lands, or in such a manner that it will create a safety hazard, penetrate, or damage a building, structure, or property.
- c) Every roof drainage system and sump pump shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
- d) No person shall connect any roof drainage system, or part thereof, or any sump-pit discharges directly or indirectly into the City's sanitary sewer system, or permit a discharge into a sanitary sewer system.
- e) No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days unless the property is a construction site for which a building permit is in effect.
- f) No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:
 - i. a construction site for which a building permit is in effect and at which construction is being actively undertaken;
 - ii. a property being subdivided under subdivision agreement with the City; or
 - iii. the uncovered area of the property is being actively farmed.

11. WALKWAYS AND DRIVEWAYS

Surface conditions of walkways and driveways shall be installed and maintained in a Safe Condition with non-organic ground cover so as to:

- a) prevent ponding of storm water;

- b) not exhibit an Unsightly Condition;
- c) be kept free of garbage and waste;
- d) be kept free of deep ruts and holes;
- e) provide for safe passage under normal use and weather conditions, day or night; and
- f) not to create a Nuisance to other properties including adjoining public lands and highways.

12. PARKING LOTS

- a) Parking lots, driveways, and other similar public access areas of a Yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.
- b) Parking lots, driveways, and other similar public access areas of a Yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects, or conditions that create a Hazard, or Unsightly Condition.
- c) Notwithstanding the requirements set out in subsection 12(b), any portion of a public access area of a Yard may contain tree logs or limbs in a Natural Garden Area, to the extent it does not create a Hazard.

13. EXTERIOR LIGHTING

- a) Every stairway, exterior exit and entrance doorway, cellar, basement entrance, or building entrance, shall have a permanently installed lighting fixture that shall be maintained in good working order.
- b) Facilities for lighting shall be maintained in a good state of repair.
- c) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained, so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes, or other interior window coverings.
- d) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained, so as to prevent the actual source of light (fixture) from being viewed directly from an adjacent property's auxiliary use areas including

pools, hot tubs, decks, and patios, but does not include indirect illumination of areas by the light source including spillage or reflected light.

14. RETAINING WALLS

All retaining walls, screen walls, and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition and free from Hazard.

15. WELLS AND CISTERNS

A well, cistern, cesspool, privy vault, pit, or excavation shall be permanently sealed, or secured by a fence, cover, or netting that is likely to prevent a hazard or unwanted entry, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

16. ACCESSORY BUILDINGS

The foundations, walls, roofs, and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- a) constructed with suitable materials;
- b) maintained in good repair;
- c) protected from deterioration by the application of paint or other suitable protective material; and
- d) free from graffiti, unauthorized signs, or similar defacements and markings.

17. FENCES

A fence erected on a property or separating adjoining properties shall be maintained:

- a) in good repair free from loose or insufficiently secured, rotten, warped or broken materials;
- b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
- c) shall be free of dangerous objects;

- d) reasonably plumb unless specifically designed to be other than vertical;
- e) each length of fence along any adjoining property boundary shall be repaired and maintained so as to be reasonably homogeneous in colour, finish, materials, construction industry standards, pattern, or design unless originally designed to be otherwise; and
- f) shall conform to any other requirements of applicable law.

18. TOWERS, MASTS AND ANTENNAES

Towers, gantries, masts, antennae, and structures of similar character and any attachment thereto shall be maintained:

- a) reasonably plumb unless specifically designed to be other than vertical;
- b) in good repair; and
- c) in a safe and structurally sound condition.

19. SIGNS

A sign and any structure connected therewith shall be installed and maintained:

- a) in good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated;
- b) in a safe and structurally sound condition;
- c) in a reasonably vertical plane unless otherwise approved by the City; and
- d) shall conform to any other requirements of any applicable law

An unused or discarded sign shall be removed from the property or shall be stored within a building.

EXTERIOR OF BUILDINGS - STRUCTURES

20. STRUCTURAL CAPACITY OF BUILDINGS

- a) All repairs and maintenance of property required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

- b) Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - i. To be capable of sustaining safely its own weight and any additional load to which it may normally be subjected;
 - ii. To be capable of safely accommodating all normal structural movements without damage, decay, or deterioration;
 - iii. To prevent the entry of moisture that could contribute to damage, fungus growth, decay, or deterioration; and
 - iv. To be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

21. FOUNDATIONS WALLS AND BASEMENTS

- a) All foundation walls and the basement, cellar, or crawl space floors shall be maintained in good repair and structurally sound.
- b) Every basement, cellar, and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

22. EXTERIOR WALLS, SURFACES, CLADDING AND MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, weathertight, free from holes, loose or unsecured objects, maintained in good repair and:

- a) free from missing, cracked, or broken masonry units, missing, defective, or deteriorated wood, metal siding, or trim, missing, cracked, broken, or loose stucco, or other loose or unsecured objects;
- b) shall be so maintained by the painting, restoring, or repairing of the walls, coping, or flashing, by the waterproofing of joints and the walls themselves, by the installation of, or repairing of, weathertight finishing, or the installation of termite shields, if required;
- c) all exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated; and
- d) Every part of a building, including the exterior, shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

23. DOORS – WINDOWS – CELLARS – HATCHWAYS

- a) Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors, and storm windows shall be maintained in good working order, good repair, in a Safe Condition and shall be of such construction so as to prevent the entrance of wind, snow, or rain into the building and to minimize heat loss through infiltration.
- b) At least one entrance door in every Dwelling Unit shall have hardware so as to be capable of being locked from inside and outside the Dwelling Unit.
- c) All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- d) All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

24. WINDOW SCREENS

When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window, or similar closure, it shall be protected with:

- a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- b) other protection so as to effectively prevent the entry of rodents, large insects, or vermin.

25. CANOPIES AND AWNINGS

All canopies, marquees, and awnings shall be properly anchored so as to be kept in Safe Condition and shall be protected from decay or rust by a periodic repair, replacement of materials, or the application of weather-coating material.

26. ROOF STRUCTURES

- a) Every roof, and all of its components and accessory structures, shall be maintained in good repair and in a Safe Condition.
- b) Without restricting the generality of this Section, such maintenance includes:

- i. removal of loose, unsecured, or rusted objects or materials;
- ii. removal of dangerous accumulations of snow or ice;
- iii. maintaining roof and chimneys in water-tight condition so as to prevent leakage of water into the building; and
- iv. maintaining all roof-related structures plumb unless specifically designed to be other than vertical.

27. EAVESTROUGH – METAL DUCTS - FLASHING

- a) Eaves trough, roof gutter, rainwater pipe, downspouts, flashing, and all exterior ducts shall be properly secured and free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes, and maintained in good repair.
- b) Metal eaves troughs, rainwater pipes, flashing, and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
- c) Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure when it is physically possible to do so, providing that it does not discharge directly onto or adversely affect adjacent properties or cause erosion.

28. CHIMNEY FLUES

- a) Chimneys, vent pipes, smoke stacks, flues, ducts, and other similar equipment shall be constructed and installed to the Building Code and C.S.A. B-365 Standard and shall be maintained free from obstruction and shall prevent:
 - i. the entrance of smoke or gases into a building;
 - ii. the heating of adjacent combustible materials, walls, and structural members to unsafe temperatures; and
 - iii. fire, health, or other hazards.
- b) Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe, or chimney.

29. GARAGES – CARPORTS

- a) The construction between an attached or built-in garage or carport and a Dwelling Unit shall provide an effective barrier to gas and exhaust fumes.

- b) A door between an attached or built-in garage and a Dwelling Unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- c) Garages and carports, including floors, shall be maintained in good repair and free from Hazards.

30. FIRE OR STORM DAMAGE

- a) In the event of fire or explosion, damaged, or partially burned, material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.
- b) Buildings, or portions thereof, that have been damaged by fire, flood, storms, or other circumstance, shall be repaired to their original condition in conformity with the Code and the standards set out in this By-law, or shall be demolished accordingly.

31. DEMOLITION OF STRUCTURES

- a) Where a building, accessory building, fence, or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
- b) Where a building, accessory building, fence, or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.
- c) Demolition activities shall be controlled with appropriate measures to protect the surrounding neighbourhood lands, including City lands and highways, from nuisance or hazardous dust, vibrations, and litter.

INTERIOR OF BUILDINGS AND STRUCTURES

32. INTERIOR STRUCTURAL COMPONENTS

In every building or structure, all structural components, including but not limited to all joists, beams, studding, trusses, and roof rafters, shall be comprised of sound material, in good repair, and adequate to sustain the loads to which they are intended and subjected to.

33. WALLS – CEILINGS

- a) Every interior surfaces and finishes of walls and ceilings shall be maintained:
 - i. in good repair, with a surface which is reasonably smooth, clean, tight, and easily cleaned;
 - ii. free of holes, cracks, loose plaster, or other material;
 - iii. in a safe condition; and
 - iv. so as to possess the fire resistant properties required by the Codes.

- b) In any bathroom, the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

34. FLOORS

- a) Every floor shall be smooth, level, and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

- b) Where a floor covering has become worn or torn so that it retains dirt or may create an Unsafe Condition, the floor covering shall be repaired or replaced.

- c) Every bathroom, kitchen, laundry, and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

- d) Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the applicable Code to ensure water drainage and to guard against the entry of vermin.

35. STAIRS – HANDRAILS – GUARDS

- a) Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks, and other defects which constitute Hazards.

- b) All handrails and balustrades, stairways, fire escapes, balconies, landings, porches, and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute Hazards. These shall be properly anchored so as to be kept in a Safe Condition and shall be structurally sound for the loads imposed through

their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.

- c) Handrails shall be installed in accordance with the Code and shall be maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within Dwelling Units that have more than 2 risers.

36. MEANS OF EGRESS

- a) Every Building, structure, or Dwelling Unit shall have a safe, continuous, and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- b) Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- c) The passage required as egress from one Dwelling Unit shall not pass through any other Dwelling Unit.
- d) In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multi-residential dwelling, and that system is controlled from each Dwelling Unit, such system shall be maintained in good repair and in an operating condition.
- e) Where a non-residential building contains Dwelling Units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such Dwelling Units.
- f) All means of egress within a non-residential property shall be maintained free from all obstructions or impediments and shall be;
 - i. provided with clear, unobstructed, and readily visible exit signs for every required exit; and
 - ii. provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building at all times.

37. HEATING SYSTEMS

- a) It is the responsibility of the owner that all heating and mechanical systems, and their components, be installed, operational, and maintained in good working order.
- b) Only heating equipment approved for use by a recognized standards

and testing Code authority shall be provided in a room used or intended for use for sleeping purposes.

- c) The installation, maintenance and use of a solid fuel burning appliances shall conform to the standards set out in the applicable Code(s) and the C.S.A. B-365 Standard and all fireplaces, stoves and similar construction used, or capable of being used, for burning fuels shall be connected to approved chimneys, smoke pipe or flues and shall be installed so as not to create a fire hazard, including to nearby or adjacent combustible materials and structural members.
- d) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a Safe Condition.
- e) Fuel-burning equipment shall be vented to an appropriate chimney, smoke pipe or flue, as required, by means of rigid connections leading to a chimney or a vent or flue. All chimney, smoke pipes or flues shall be kept clear of obstructions.
- f) Every chimney, smoke pipe, and flue shall be maintained so as to prevent gas from leaking into the Building.

38. AIR CONDITIONING

- a) Air conditioners, where provided, shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks, or pathways and shall be maintained in a safe mechanical, electrical, and functioning condition.
- b) Cooling water from water-cooled equipment shall not be discharged on driveways, walkways, or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations, or other parts of a Building.
- c) The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable laws.
- d) Central air conditioning units, where provided, shall be maintained in good working order.

39. ELECTRICAL

- a) Every Dwelling and Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every

Dwelling, suite, and Building.

- b) The connection to the Building and the system of circuits and outlets distributing the electrical supply within the Building shall provide adequate capacity for the use of the Building and such connections, circuits, wiring, and outlets along with any fuses, circuit breakers, and other appurtenances thereto shall be installed and maintained in good working order and Safe Condition.
- c) Extension cords shall not be used on a permanent basis.

40. VENTILATION

- a) Ventilation shall be provided to and maintained and operated in all rooms and spaces within a Building so as to prevent accumulations of heat, dust, fumes, gases including carbon monoxide, vapours, and other contaminants which may create a hazard.
- b) Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- c) When an exterior opening is used or required for ventilation and is not required to be protected by a door, window, or similar closure, it shall be protected with screens in accordance with this By-law.
- d) An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- e) Every basement, cellar, unheated crawl space, and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents, and insects.

41. NATURAL LIGHTING

- a) Every owner of a Building containing at least one Dwelling Unit must provide every Habitable Room (with the exception of kitchens and bathrooms) with a window, skylight, or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this Section.
- b) For living and dining rooms, the amount of natural light must be equal to, or greater than ten (10%) percent of the floor area.
- c) For bedrooms and other Habitable Rooms, the amount of natural light must be equal to or greater than five (5%) percent of the floor area.

- d) The glass area of a door may be considered as a portion of the required window area.

42. LIGHTING

- a) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room, and every other habitable and non-habitable work room in a suite, Dwelling Unit, or Building shall have a permanently installed lighting fixture that shall be maintained in a Safe Condition and in good working order.
- b) Lighting equipment shall be installed and maintained throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

43. PLUMBING SYSTEMS

- a) All plumbing, drain pipes, water pipes, and plumbing fixtures in every Building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- b) Plumbing systems on a property shall be provided, installed and maintained:
 - i. in compliance with the respective requirements of any applicable Act, Code, or By-law;
 - ii. in good working order and good repair; and
 - iii. in a Safe Condition.
- c) All plumbing fixtures shall be connected to the sewage system through water seal traps.

44. WATER SUPPLY

Every Dwelling and every Building to which water is available under pressure through piping shall be provided with:

- a) An adequate supply of hot water with a temperature range from 60 to 73.8 degrees Celsius or 140 to 165 degrees Fahrenheit in all Dwelling Units; and
- b) Piping for hot and cold water connected to every kitchen fixture, washbasin, bathtub, shower sink and laundry area; and
- c) Piping for cold water connected to every toilet and hose bib.

45. ELEVATING DEVICES

- a) An elevator or other approved elevating device supplied to employees, tenants, and/or the public, shall comply with the Technical Standards and Safety Act, 2000 as amended, and its regulations as enforced by the Technical Standards and Safety Authority.
- b) An elevator, where provided and when in operation, shall:
 - i. be kept clean and free of dirt and defacements; and
 - ii. have working lights, elevator buttons, floor indicators, and ventilation

46. SEWAGE SYSTEMS

- a) Every plumbing fixture in every building shall discharge the water, liquids, or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
- b) Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
- c) The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to or impair the functioning of the sewage system.

47. NUISANCES THROUGH USE

- a) It is an offence for an owner or occupant of Land to use the Land in a manner which creates a Nuisance.
- b) It is an offence for the owner or occupant of Land to allow a condition to develop and remain on the land in a manner which creates a Nuisance.

48. SWIMMING POOLS/HOT TUBS

- a) Every owner of Lands upon which a Swimming Pool exists shall maintain that Swimming Pool:
 - i. in a clean and safe condition;
 - ii. free from leaks and faulty components and equipment; and
 - iii. in conformity with all other applicable laws.
- b) Every owner of Lands upon which a hot tub fixture exists shall maintain that hot tub fixture:

- i. In a clean and safe condition;
- ii. Free from leaks and faulty components and equipment; and
- iii. Covered or protected with appropriate device to secure from unwated or accidental entry.

49. PEST CONTROL

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

50. ELECTRICAL SYSTEMS

- a) The owner of rented Dwelling Units must install, and maintain in good working order, all electrical wiring, fixtures, switches, and receptacles within those rented Dwelling Units and within any Accessory Buildings provided for the occupants of the rented Dwelling Units.
- b) The electrical system in the rented Dwelling Unit, and in Accessory Buildings provided for the occupants of the rented Dwelling Unit must accommodate normal residential use so as to avoid the necessity of creating an Unsafe Condition because of the use of extension cords or temporary electrical wiring systems.

51. OCCUPANCY STANDARDS

A non-habitable room shall not be used as a Habitable Room

52. TOILET AND BATHROOM FACILITIES

- a) Every Dwelling Unit shall contain plumbing fixtures in good repair and in an operative condition consisting of a minimum of one toilet, one sink, and one bathtub or shower.
- b) All bathrooms and toilet rooms shall be located within and accessible from within the Dwelling Unit.
- c) All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- d) No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing, or consumption of food.

53. HEATING SYSTEMS

Every owner of a residential rental Dwelling shall ensure that:

- a) All heating and mechanical systems, including equipment related to fuel sources for such systems, shall be installed and maintained at all times to ensure compliance with the City's Minimum Heat By-law, as enacted by Council and amended from time to time.
- b) No rental residential Dwelling Unit shall be equipped with portable heating equipment as the primary source of heat.

54. WATER SUPPLY & APPLIANCES

Every owner of a residential rental Dwelling shall ensure that:

- a) the Dwelling Unit is provided with an adequate and suitable supply of Potable Water to at least one tap within the Dwelling Unit.
- b) where the owner initially supplies the occupant appliances, as part of the rental /lease, those appliances must be maintained in good working order or where repair is not feasible they shall be replaced by the owner with functionally similar unit, in proper working order.

55. GENERAL PROVISIONS RELATING TO VACANT BUILDINGS

The owner of a vacant Building, in addition to any requirements of any other By-law of the City, shall:

- a) keep all Buildings on the land clear of debris;
- b) disconnect or have disconnected or discontinued all water, electrical, and gas services to the Building except where required for the security and maintenance of the Building;
- c) maintain the Building to prevent against Unsafe Conditions or risk of fire or accidents;
- d) keep the windows, doors, or any other openings to the Building secured to prevent unauthorized entry;
- e) maintain any entrances to the Building in good repair so as to provide for safe access for any authorized person attending the property; and
- f) barricade all openings on any floor or between floors to prevent the risk of accident or injury to a person.

GENERAL ADMINISTRATION PROVISIONS

56. MLEO- POWER ENTRY FOR INSPECTION

- a) An Municipal Law Enforcement Officer (MLEO), in accordance with the powers of entry set out in section 435(1) and 436(1) of the Municipal Act 2001, may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not compliance exists for:
 - i. any requirements of this By-law and/or the conditions of any permit issued thereunder.
 - ii. any direction or order issued by the municipality under this By-law.
 - iii. any court order issued pursuant to section 431 of the Municipal Act 2001.

57. MLEO – ISSUE DEFECT NOTICE

- a) An Municipal Law Enforcement Officer (MLEO) who becomes aware of a property that does not conform to this By-law, may issue a Defect Notice to the owner advising of the defect(s) that are in contravention of the By-law.
- b) A Defect Notice shall request the owner respond to the notice within seven (7) days of receipt, advising of either i) the intent to repair defect(s) and the time frame required or ii) disagreement with the defect(s) set out therein. If the owner fails to respond to the Defect Notice within seven (7) days of receipt, it may be forwarded to an Officer to open an inspection file concerning the defect(s) to achieve compliance.
- c) Any owner of property that receives a Defect Notice, who responds in the required time frame and in the manner set out in the notice, will be able to discuss the particulars of the defect with an Officer including the appropriate remedies and timeframes involved, before an Order may be issued.
- d) A Defect Notice is issued at the sole discretion on an MLEO or Officer (Property Standards) and is not a precondition for a Property Standards Order to be issued, in respect of a defect on that property.
- e) For greater certainty, the failure of an Owner to respond a Defect Notice only, does not constitute an Offence pursuant to section 60 of the By-law.

58. SERVICE OF DEFECT NOTICE - BY MLEO/OFFICER

- a) A Defect Notice may be delivered in person to an owner or occupant at the address of lands that are subject of the notice, or left with an inmate therein that is over that apparent age of eighteen years, or
- b) A Defect Notice may be sent via e-mail or text to an e-mail address or phone number that has been supplied for a communication purpose and will be

68. CONFLICTS

Where a provision of this By-law conflicts with the provisions of another By-law in force within the municipality, the provision which establishes the higher standards to protect the health, safety, and welfare of the occupants and the general public shall prevail or where it gives greater effect to the purpose of this By-law then this By-law shall prevail.

69. TRANSITIONAL RULES

After the date of the passing this By-law, Bylaw #066-2008, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

70. REPEAL

By-law 66-2008, as amended is repealed.

71. EFFECT

This By-law shall come into force and effect on the date it is passed.

Enacted and passed this 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 93/2022

A By-law authorizing the City of Thunder Bay to require Owners and Occupants of Land to clean and clear the Land, and to provide authority to authorize work to be undertaken by the City on the Land in certain circumstances and to repeal By-law 68-2008.

Recitals:

1. On June 9, 2008 City Council approved By-law 68-2008, being a by-law authorizing the City of Thunder Bay to require Owners and Occupants of Land to clean and clear the Land, and to provide authority to the General Manager to authorize work to be undertaken by the City on the Land in certain circumstances.
2. Section 10 (2) (6) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;
3. Section 127 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may require the owner or occupant of property to clean and clear the property, not including buildings, or to clear refuse or debris from the property, not including buildings;
4. Section 128 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;
5. Section 131 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate the use of any property for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;
6. Section 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that, where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;
7. It is now deemed appropriate to repeal and replace By-law 68-2008

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SHORT TITLE

That this By-law may be cited as the "Clean & Clear Yards By-law."

2. SCOPE OF THIS BY-LAW

That this By-law shall apply to all land within the geographic boundaries of the Corporation of the City of Thunder Bay, including residential, non-residential and

vacant land, except those lands owned or controlled by the City that are not otherwise then leased or under control of another person(s) or party.

3. DEFINITIONS

In this By-law,

- a) "City" means the Corporation of the City of Thunder Bay;
- b) "Hazard" means a source or a situation with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire or a combination of these and includes unsafe containers with a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance;
- c) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle under the jurisdiction of the City, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- d) "Inoperative vehicle" means any vehicle, motor vehicle, vessel, trailer or camping trailer which, that appears by reason of its appearance, mechanical, functional or structural condition not to be operative and includes those vehicles that require a valid license plate be displayed to operate on a highway and have in existence proof of a valid and current registration, pursuant to the provisions of the Highway Traffic Act and amendments thereto, regardless of whether it is required at the time of inspection, and includes all vehicles or vessels that are wrecked, discarded, dismantled or abandoned, or a vehicle or vessel which has had part or all of its superstructure or motor power removed;
- e) "Land" includes a yard or vacant lot;
- f) "Motor vehicle" includes an automobile, motorcycle, snowmobile, off-road vehicle and any other vehicle or equipment propelled or driven otherwise than by muscular power;
- g) "Municipal Act 2001" means the Municipal Act, 2001 S.O. 2001, c. 25, as amended.
- h) "Manager" means the Manager of Licensing and Enforcement, including designated persons to act on behalf of the manager;
- i) "Natural Garden Area" means a yard, or any portion thereof, containing vegetative growth deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native consistent with a managed and natural landscape, other than Turfgrass;
- j) "Nuisance Litter" means any condition, including waste material, that is found or stored upon lands, that is likely to create an immediate hazard or nuisance to other persons or lands by entrapment, odour or by attracting animal/vermin; including natural or intentional accumulations of fruit, vegetables and other discarded materials, including compost, not kept in accordance with this By-law, or other waste materials that migrate from the owners' lands onto other

surrounding lands including public lands, by any reason including wind or other environmental factors;

- k) "Officer" means a Municipal Law Enforcement Officer for the City or a police officer;
- l) "Order" means an order to compete required work or to stop work from continuing, that is issued under this By-law;
- m) "Owner" means any person, firm, or corporation having control over all or any portion of the property under consideration and includes the persons present at the property;
- n) "Public land" means any land under the ownership, management or jurisdiction of the City or a provincial or federal government authority;
- o) "Turfgrass" means ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mown;
- p) "Vacant land" means a lot that does not have a structure situated on it and/or does not contain an established principal use;
- q) "Waste material" includes refuse, garbage, debris, litter, domestic waste, industrial waste of any kind whatsoever and, without limiting the generality of the foregoing, includes:
 - (i) weighty or bulky items such as appliances or furniture;
 - (ii) vehicles, vessels, other motor-powered equipment and any parts thereof which, in its present state, appears discarded, inoperative, wrecked, partially or wholly dismantled, or not immediately available for the use it was originally manufactured for;
 - (iii) broken concrete, patio stones, bricks or pallets;
 - (iv) unused building material or material resulting from construction or demolition;
 - (v) yard waste, brush, fallen trees or tree limbs and branches except where integrated into a planned Naturalized Garden Area that does not otherwise create a nuisance litter or other hazard condition;
 - (vi) animal and human feces;
 - (vii) unused tire or accumulations of unused tires;
 - (viii) unused or derelict lawnmowers, lawn tractors or similar mechanical devices and mechanical or electrical parts;
 - (ix) any discarded item that is not specifically designed for outdoor use or storage.
- r) "Yard" means any open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky.

4. MAINTENANCE OF LAND

- 4.1 Every owner of land shall keep the land clean and cleared of waste material at all time.

- 4.2 Subsection 4.1 does not apply to lands where construction or demolition work is actively proceeding under a building permit issued by the City and the waste materials are a direct result of those approved works, provided the waste material is contained to those portions of land reasonably necessary to support the active work currently being undertaken.
- 4.3 No person or Owner shall place or store, or permit to be placed or stored, any objects or material of any kind whatsoever, on vacant land within areas of the City that are zoned for residential purposes, except where expressly permitted, pursuant to City's applicable Zoning By-law and in accordance with any other applicable legislation.
- 4.4 Outdoor storage, when authorized by subsection 4.3 above, shall only be permitted in twenty-five percent (25%) of the rear-yard and/or side-yard(s) and must be neatly arranged or stored and in a manner that contains litter, does not attract vermin and is not degraded by exposure to the elements that could affect future use of the stored item, for its' original purpose.
- 4.5 No Owner shall fail to keep land clean and clear of waste material or store items contrary to this By-law.
- 4.6 No Owner shall cause or permit any nuisance litter to arise from the use of land.
- 4.7 Notwithstanding subsection 4.3 and 4.4 above, composting may occur when it is neatly contained in a purpose built or manufactured container and screened from view of adjoining lands, does not create offensive odours, attract vermin or other animals.

5. LITTERING AND DUMPING

- 5.1 No person shall throw, place, deposit or dump or permit or cause to be permitted, the throwing, placing, depositing or dumping of waste material on private land or public land.
- 5.2 Notwithstanding the above, nothing in this by-law shall be deemed to interfere with the filling or raising of land with earth or rock fill or with the disposal of waste on any lands which have been designated for that purpose by a by-law of the City, and in compliance with any other applicable legislation.

6. MAXIMUM GROWTH

- 6.1 No Owner shall permit the growth of Turfgrass on private land to exceed twenty (20) centimeters in height and shall cut the Turfgrass on their land whenever the growth of Turfgrass exceeds 20 centimeters in height or length.
- 6.2 Subsection 6.1 of this by-law does not apply to Land exceeding two and forty-three one hundredths hectares (2.43 ha) or six acres (6a) in size.

7. MAINTENANCE OF VEGETATIVE GROWTH

- 7.1 The Owner of private land shall maintain all vegetative growth on their land according to the following requirements:

- a) Private land shall be kept free of any prohibited local plant listed in Schedule A;
- b) Vegetative growth on private land shall not obstruct sidewalks or roadways;
- c) Vegetative growth on private land shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
- d) Vegetative growth, which is not cultivated and maintained as part of a Natural Garden Area, shall be controlled so as to prevent a nuisance or hazard to develop or be created;
- e) Any other conditions respecting health and safety as the Manager considers advisable.

8. INOPERATIVE MOTOR VEHICLE STORAGE/END DATE JULY 1, 2025

- 8.1 No person or Owner shall permit the outdoor storage of more than one (1) inoperative motor vehicle on private land that is zoned and used for residential purposes.
- 8.2 It is a condition of storage of an inoperative vehicle permitted in subsection 8.1, that it be fully and completely covered with a weather-resistant canvas or similar opaque cover, specifically designed to properly fit and cover the vehicles or vessels, and that the cover is maintained from deterioration and secured from flapping in a windy environment that creates a noise nuisance.
- 8.3 Notwithstanding the above, subsection 8.1 shall not apply to the storage of motor vehicles and parts which are reasonably necessary for the conduct of a bona fide business lawfully conducted on the property.
- 8.4 Notwithstanding the above, subsection 8.2 and the requirements to completely cover an inoperative vehicle or vessel with a cover that is specifically designed to properly fit and cover the vehicles or vessels, such requirement for a specifically designed cover shall come into effect at a date one year after the date of passing of this By-law.
- 8.5 Notwithstanding subsection 8.1 above, no Owner shall permit the outdoor storage of any inoperative vehicle on any private land that is zoned for residential purposes after July 1, 2025, except under the authority of a short-term storage permit that will be enabled at that time.

9. GRADING AND FILLING OF LAND, HAZARDS

- 9.1 All lands shall be graded, filled up or otherwise drained so as to prevent recurrent pooling of storm water.
- 9.2 No Owner shall permit or allow any holes, pits, excavations, or trenches constituting a health, fire or safety hazard upon such land.
- 9.3 Every Owner of property shall prevent, correct, or remedy any conditions found thereon that could reasonably create a health, safety, or fire hazard to any persons who may enter that land or any users of adjacent City lands or highways.

- 9.4 Notwithstanding the above subsection 9.1, this requirement does not relieve the Owner from first obtaining any other regulatory approvals or complying with any other government legislation in fulfilling the section's requirements.

10. WORK ORDER

- 10.1 Where the Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to do work to correct the contravention.
- 10.2 An Order under subsection 10.1 of this by-law shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b) the work or remedial action required to be done and the date by which the work or remedial action must be done.
- 10.3 An Order under subsection 10.1 of this by-law may require work or remedial action to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 10.4 Any person who fails to comply with an Order issued under subsection 10.1 of this by-law, is guilty of an offence.

11. STOP WORK ORDER

- 11.1 Where the Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Officer may make an Order requiring the person who contravened this by-law to do work to discontinue the contravening activity.
- 11.2 An Order under subsection 11.1 of this By-law shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b) the date by which there must be compliance with the order.
- 11.3 Any person who fails to comply with a stop work Order issued under subsection 11.1 of this By-law is guilty of an offence.

12. SERVICE OF ORDER

- 12.1 An Order may be delivered in person to an Owner, at the address of lands that are subject of the order or left with an inmate therein that is over that apparent age of eighteen years, or
- 12.2 An Order may be sent via e-mail or text to an e-mail address or phone number that has been supplied for a communication purpose and will be deemed served only when such e-mail or text is acknowledged as being received and is not an auto-reply, or
- 12.3 An Order may be sent via registered mail to the last known address supplied to the City's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed, or

- 12.4 An Order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.
- 12.5 It is an offence for any person other than the Owner to remove, tear down, or interfere with any Notice or Order posted on the property.

13. WHERE ORDER TO FOLLOW COMPLIANCE ACTION

- 13.1 Where the condition of Land is such that it does, or is likely to, constitute a safety hazard to the public and/or a health hazard from nuisance litter or waste materials, the Officer may institute remedial actions, without first giving an order, and may pursue cost recovery in the same manner as if an order been issued in advance and not complied with.
- 13.2 Where remedial actions are carried out prior to an order being issued; the Officer shall at the earliest reasonable opportunity, issue and serve the order to the owner of property.

14. INSPECTIONS / ENTRY POWER

- 14.1 An Officer, in accordance with the powers of entry set out in subsection 435(1) and 436(1) of the Municipal Act 2001, may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not compliance exists for:
- a) any requirements of this by-law and/or the conditions of any permit issued thereunder;
 - b) any direction or order issued by the municipality, under this By-law;
 - c) any court order issued pursuant to subsection 431 of the Municipal Act 2001
- 14.2 An Officer conducting an inspection authorized in subsection 14.1, for the purposes of that inspection, may do the following:
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purposes of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.

15. OBSTRUCTION PROHIBITED

- 15.1 No person, including the Owner, shall impede, interfere, or obstruct an Officer in the execution of their duties and the inspection of property required under subsection 14, by doing any act or refusing an Officer direction, including any request for access to enter and inspect any property or structure thereon, except those actual areas used as a dwelling unit.

- 15.2 No person, including the Owner, shall obstruct an Officer by providing any false or misleading information.
- 15.3 It is an Offence for any person to obstruct an Officer in the discharge of their duties.

16. PENALTIES

- 16.1 Any person who fails to comply with any requirement of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.
- 16.2 Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the Municipal Act, 2001, and all contraventions of this By-law are designated as continuing offences for each day they continue.
- 16.3 Every person who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum fine of five thousand dollars (\$5,000.00) for the first offence and a maximum fine of ten thousand dollars (\$10,000.00) for any subsequent conviction under the By-law, to the maximum prescribed in the Municipal Act 2001.
- 16.4 In addition to the fine amounts set out in subsection 16.1 and 16.3, for each day or part of a day that an offence continues, the minimum fine shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines shall not exceed five thousand dollars (\$5,000) for the first conviction, where the convictions are registered to a person that is not a corporation.
- 16.5 Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).
- 16.6 In addition to any monetary penalty any court of competent jurisdiction may, pursuant to section 431 of the Municipal Act, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

17. REMEDIAL ACTION

- 17.1 If a person fails to do a matter or thing as directed or required by this By-law, including to comply with an order under this By-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
- 17.2 The costs outlined in subsection 18.1 of this By-law shall include any fees and charges imposed by the City in accordance with this By-law in relation to the matters identified in subsection 18.1.

17.3 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

18. EXEMPTIONS

18.1 Nothing in this By-law shall affect:

- a) Any right or duty of the City with respect to any highway right of way; or
- b) The application and enforcement of the Weed Control Act with respect to noxious weeds growing on land, including within a natural garden.

19. GENERAL PROVISIONS

19.1 In the event of any conflict between this By-law and any other By-law of the City, the more restrictive shall prevail unless the context requires otherwise.

19.2 Should any provision of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

19.3 By-law 068-2008, as amended, is repealed.

19.4 Despite subsections 19.3 and 19.5 of this By-law, after the passage of this By-law, By-law 068-2008 shall remain in effect for the purposes of concluding any legal and/or court processes that commenced under its provisions that had not been concluded upon enactment of this By-law.

19.5 This By-law shall come into force and take effect upon final passing thereof.

Enacted and passed this 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro
Mayor

Krista Power
City Clerk

CLEAN & CLEAR YARDS BY-LAW

Schedule "A" Prohibited Local Plants

Canada thistle (*Cirsium arvense*)
Common buckthorn; Glossy buckthorn (*Rhamnus cathartica*; *Frangula alnus*)
Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*)
Garlic mustard (*Alliaria petiolata*)
Giant hogweed (*Heracleum mantegazzianum*)
Himalayan Balsam (*Impatiens glandiflora*)
Japanese knotweed (*Reynoutria japonica* var. *japonica*)
Phragmites (*Phragmites australis* subsp. *australis*)
Poison ivy (*Toxicodendron radicans*)
Purple loosestrife (*Lythrum salicaria*)
Ragweed (*Ambrosia artemisiifolia*)



Memorandum

Corporate By-law Number BL 96/2022

TO: Office of the City Clerk **FILE:**

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: 08/16/2022

SUBJECT: BL 96/2022 – Vacant Building Security

MEETING DATE: City Council – 09/12/2022 (mm/dd/yyyy)

By-law Description: A By-law to authorize the City of Thunder Bay to require Owners of Vacant Buildings to register such buildings and to ensure they are secured against unauthorized entry and to provide authority to enter and authorize work to be undertaken in certain circumstances.

Authorization: Report R 106/2022 (Development & Emergency Services/Licensing & Enforcement) Committee of the Whole - July 25, 2022 and Memorandum from Doug Vincent relative to Referral of Report R 106/2022 (Development & Emergency Services/Licensing & Enforcement) Committee of the Whole August 22, 2022

By-law Explanation: The purpose of this By-law is to ensure that vacant buildings are secured against unauthorized entry and to provide authority to enter and authorize work to be undertaken in certain circumstances.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 96/2022

A By-law to authorize the City of Thunder Bay to require Owners of Vacant Buildings to register such buildings and to ensure they are secured against unauthorized entry and to provide authority to enter and authorize work to be undertaken in certain circumstances.

Recitals:

1. The *Municipal Act*, 2001, S.O. 2001, c. 25, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;
2. The *Municipal Act*, 2001, S. O. 2001, c. 25, s. 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;
3. The *Municipal Act*, 2001, S. O. 2001 c. 25, s. 10, gives the municipality broad authority to pass by-laws respecting the health, safety, and well-being of persons;
4. The *Municipal Act*, 2001, S. O. c. 25, s. 128, provides that a local municipality may prohibit and regulate with respect to public nuisances including matters that, in the opinion of Council, are or could become or cause public nuisances;
5. The Council of The Corporation of the City of Thunder Bay is of the opinion that vacant buildings that are not secured against unauthorized entry constitute public nuisances by attracting vandals and creating various safety hazards.

ACCORDINGLY, THE CORPORATION OF THE CITY OF THUNDER BAY
ENACTS AS FOLLOWS:

1. SHORT TITLE

That this By-law may be cited as the "Vacant Building Security By-law."

2. DEFINITIONS

- a) "Building Damaged by Fire" shall include a building partially or completely damaged by fire to the extent that it will not be inhabited until it has undergone repairs;
- b) "City" shall mean The Corporation of the City of Thunder Bay and, where the context allows, shall include its agents and employees;

- c) "Fire Chief" shall mean the Chief of the Thunder Bay Fire Department and shall include a delegate or delegates thereof;
- d) "Fire Department" shall mean the City of Thunder Bay Fire Department;
- e) "Hazard"- means Lands, Buildings, Structures, or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these and includes unsafe containers which have a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance;
- f) "Land" - means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. Reference to "Land" includes all Buildings and Structures, including fences, on the Land;
- g) "Manager" means the Manager of Licensing & Enforcement or their designates.
- h) "Municipal Standards By-law" means a By-law of the City that prescribes the standards for maintenance and occupancy of property and to prohibit occupancy and includes any amendments thereto and any successor by-laws;
- i) "Nuisance" – means any condition or use of Land which unreasonably interferes with the use and enjoyment of another person's Land. Examples include but are not limited to:
- a) emissions of smoke, gas, fumes, dust, or sawdust;
 - b) objectionable odours; or
 - c) the unsightly storage of goods, wares, merchandise, debris or other material.
- j) "Officer" shall mean the Fire Chief, a fire prevention officer, police officer or a municipal law enforcement officer of the City;
- k)"Order" means a Work Order under this By-law;
- l) "Owner(s)" shall include the registered property owner or agent thereof: a person having or appearing to have beneficial ownership or care and control of the property and an owner as defined by the Building Code Act, 1992;
- m) "Property Entry By-law" means City of Thunder Bay By-law No. 075- 2011 and amendments thereto or successor thereof;
- n) "Registry" means a list of all properties in the City on which a vacant building is situated together with the following information with respect to those properties:

- a) property address, or legal description if there is no municipal address;
 - b) the name of the owner(s);
 - c) current mailing address and telephone number of the owner(s);
 - d) the name of a secondary contact person should the owner be unreachable;
 - e) current mailing address and telephone number of the secondary contact person;
 - f) immediate past use of the property;
 - g) any relevant known risks or information for emergency service providers; and
 - h) whether or not a fire safety plan exists for the property in accordance with the Fire Protection and Prevention Act, 1997, and the location of that plan if it exists
- o) "Safe condition"- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any person on or about the property, and includes a structurally sound condition;
- p) "Secure(d) Against Unauthorized Entry" may, at the discretion of the City, includes the boarding of a building opening or other methods to prevent entry;
- q) "Unoccupied Building" means, for the purposes of this By-law, any building that is not occupied by the owner or tenant under a tenancy agreement and has been accessed by unwanted persons, but does not meet the definition of a vacant building, and may include a newly or partially constructed building that is or appears to be actively used for a legitimate purpose or appears dormant or abandoned.
- r) "Unsafe Condition"- is a descriptive phrase for Land, Buildings, Structures, or material that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.
- s) "Vacant Building" means a building that is neither owner-occupied or tenant-occupied through an agreement, for a period of ninety (90) days or more and shall include a partially vacant buildings and a vacant or partially vacant building that is occupied by unauthorized persons but does not include a new building that has not yet obtained an occupancy permit.
- t) "Vermin" means mammals, birds, or insects injurious to humans or physical property. Examples includes but are not limited to: skunks, rats, termites, raccoons, bird infestations, poisonous insects, reptiles, mice, squirrels and other rodents.

3. REQUIREMENT TO REGISTER

Every Owner of a Vacant Building shall register the building(s), in writing, on the appropriate form, with the Manager as soon as it becomes vacant; and

- a) Provide access for a registration inspection, as requested, to document existing conditions and ensure any required Fire Department and Property Standards concerns are addressed; and
- b) Ensure any recommendations following the inspections are implemented and maintained thereafter; and
- c) Renew such registration(s) annually and pay annual inspection fee(s); and
- d) Keep the City advised of changes in the current mailing address and phone/e-mail contacts and update alternate contacts within 30 days of such change to ensure contact is possible in urgent situations and that the registry is maintained accurately; and.
- e) Notify the Manager, in writing, when the property is sold by amending the registry to reflect such change; or
- f) Notify the Manager, in writing, when the building is no longer requiring registration because it is either reoccupied for use or demolished.

4. OWNER(S) RESPONSIBILITY

- a) Every Owner shall ensure that any Vacant Building is secured against unauthorized entry by persons, birds, rodents, and other vermin that may create a nuisance within the building, surrounding lands, or neighbourhood where the building is situated.
- b) Every Owner shall ensure that any Unoccupied Building is secured against unauthorized entry by persons, birds, rodents, and other vermin that may create a nuisance within the building, surrounding lands, or neighbourhood where the building is situated.
- c) Every Owner shall ensure that any Vacant or Unoccupied Building shall be maintained it in a safe condition and not allow an Unsafe Condition or Hazard to develop.
- d) Every Owner of a Vacant or Unoccupied Building, where an Unsafe Condition or a Hazard is detected or reported, shall immediately take all measures required to abate the Unsafe Condition or Hazard within the building and surrounding Land
- e) Every Owner of any Unoccupied Building or Vacant Building, including vacant property appurtenant thereto, shall protect the building or property against the risk of fire, accident, or other danger including effectively preventing the entrance to it of all unauthorized persons.

- f) The requirements set out in Section 4, does not apply to a building, or portion thereof, that is under construction within an active development or redevelopment site, and under the authority of a building permit, where on-site work is actively progressing under an approved plan.
- g) Every Owner shall, when required by the Fire Chief, shall remove and/or relocated all stored materials, as directed.

5. SECURING A VACANT OR UNOCCUPIED BUILDING

For the purposes of section 4 of this By-law, the Owner of a Vacant Building or Unoccupied Building shall:

- a) keep all exterior doors to the building operational, so as to fit tightly within their frames when closed;
- b) keep all exterior doors to the building locked so as to prevent unauthorized entry;
- c) keep all windows on the building properly glazed and in good repair;
- d) keep all windows on the building either permanently sealed or locked so as to prevent unauthorized entry;
- e) keep all windows, doors, basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind from entering the building;
- f) render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least four metres (4 m) or one hundred fifty-six inches (156 in), or guarding them in some other manner, that has been submitted in writing and approved by an Officer;
- g) maintain the building in compliance with the City's Municipal Standards By-law, except where the Owner expressly declares in writing that the state of the building is such that it cannot economically be repaired to the required standards and should be demolished;
- h) ensure that all utilities serving the building which are not required for safety or security are properly disconnected or otherwise secured;
- i) ensure that the property is kept free of infestations of rodents, vermin, birds, and other harmful pests and not permit any conditions to arise or continue that would allow such pests to harbour in or about the building;
- j) Where the circumstances cannot reasonably allow the Owner to immediately secure the building forthwith, and a Hazard or Unsafe Condition exists or likely to develop, the Owner shall ensure that the property is monitored by a responsible person at all times to prevent the entry of unauthorized persons, until the building is adequately secured.

6. SECURING/COVERING A VACANT OR UNOCCUPIED BUILDING

- a) If the normal locking of normal access points and other security measures for a building do not prevent entry, entry shall be prevented as follows:
- i. ensure all doors, windows, or other openings are covered with a solid piece of plywood, or an equivalent material, that shall be securely fastened and tight fitting, watertight, and shall be of a thickness of not less than 12 millimetres; and
 - ii. be fixed, if covering a wooden door or window frame, by steel wire nails of not less than 50 millimetres in length and, if covering a metallic door or window frame, by self-tapping screws not less than 38 millimetres in length and the nails or screws shall be spaced at intervals of not more than 150 millimetres over the entire length of each vertical and horizontal portion of each door or window frame; or
 - iii. By blocking up all window, doors, and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.
- b) All materials used for securing Unoccupied and Vacant Buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building in a manner so as to minimize detracting from the value of other properties in the immediate vicinity.

7. BUILDINGS DAMAGED BY FIRE

- a) Every Owner shall ensure that a Building Damaged by Fire, or relevant portion of a building that was damaged by fire, is secured against unauthorized entry forthwith, after the release of the relevant property by the authority having jurisdiction.
- b) Where an Owner has:
- i. expressed an intention not to comply with the requirements of this By-law; or
 - ii. does not comply with the requirements of this By-law; or
 - iii. fails to secure a Building Damaged by Fire when directed to do so;
 - iv. is unresponsive to messages or uncontactable to the City's attempts to notify,

the City may cause the Building Damaged by Fire, or portions thereof, to be secured against unauthorized entry

- c) Where a Vacant Building, Unoccupied Building or a Building Damaged by Fire is boarded, or required to be boarded, the boarding materials shall be installed and maintained in good repair and, unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather-resistant material.

8. INSPECTION AND ENFORCEMENT POWERS

- a) Every Officer shall be authorized to enforce the provisions of this By-law.
- b) Every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether the provisions of this By-law are being complied with.
- c) Every Officer may require information from any person concerning a matter related to the inspection.
- d) Every Officer may, in writing, extend any of the time frames for compliance in this By-law where it is reasonable in the circumstances to do so.
- e) Officers may also rely on the authorities, if required, of the City's Property Entry By-law and any other authorizing by-law or statute.

9. ANNUAL INTERIOR INSPECTIONS

In addition to any other inspections of a Vacant Building as required or permitted under this By-law or any applicable legislation, a Municipal Law Enforcement Officer may, at least once each calendar year, conduct an interior inspection of a building on a vacated property after providing reasonable notice to the Owner.

10. FEE FOR REGISTRATION, RENEWALS, ANNUAL INSPECTIONS

The City may charge fees for registration of a Vacant Building and any subsequent inspections of Vacant Buildings or Unoccupied Building and such fees shall be in accordance with the City's User Fee By-law as amended from time to time and any successor by-laws.

11. ORDERS/ENFORCEMENT

- a) An Officer who believes a building to be a Vacant Building, may make an Order requiring the building to be secured against unauthorized entry.
- b) An Officer who believes a building to be an Unoccupied Building that requires securing may make an Order requiring the building to be secured against

unauthorized entry.

- c) An Officer who believes a building to be a Vacant Building may make an Order to the Owner requiring the Owner to make application and register the Vacant Building or provide proof of active occupancy at all times relevant.
- d) An Officer may specify in an Order a prescribed a method of securing a Vacant Building different than the methods set out in this By-law, where a previous attempt to effectively secure the building was unsuccessful.
- e) An Officer, in an Order, may require the Owner to conduct routine and regular inspections of the property to ensure the property is secure and to maintain a record of those inspections in a manner set out in the Order.
- f) Where a specific method of securing the property, such as boarding in part or in whole, is required to ensure that the vacant property remains secured against unauthorized entry, the Order shall state this requirement.
- g) Except where an Unsafe Condition or Hazard exists, an Order shall set out the deadline by which the Vacant Building or Unoccupied Building must be secured. The Owner shall have a minimum of two business days to secure the Vacant Building or Unoccupied Building if the Order is hand delivered or electronically communicated to the Owner. The Owner shall have a minimum of five (5) business days to secure the Vacant Building or Unoccupied Building if the Order is only posted.
- h) Where an Owner:
 - i. indicates an intention not to comply with the Order; or
 - ii. does not comply with the requirements of this By-law or the Order; or
 - iii. is unresponsive to messages or uncontactable to the City's attempts to notify; or
 - iv. fails to secure the building to the satisfaction of the City by the deadline set out in the Order;

the City may cause the Vacant Building or Unoccupied Building to be secured against unauthorized entry at the expense of the Owner.

- i) Where, in the opinion of the Officer an unsafe Condition or Hazard exists at a Vacant Building or Unoccupied Building, the Officer may cause the building to be secured against unauthorized entry without prior to a notice or Order being issued. Notice of the action taken in these circumstances shall be posted at the subject property and then sent to to the Owner at the address provided and shall

include an invoice for the amount owing for the City's actions.

- j) Notwithstanding, that a building may meet the definitions of a Vacant Building or Unoccupied Building under this By-Law, included a building that is registered under this By-law, nothing in this By-law prevents an Order to repair or demolish the Vacant Building or Unoccupied Building from being issued under the City's Municipal Standards For Property By-law for the same Vacant Building or Unoccupied Building.
- k) Any such Order issued under the Municipal Standards for Property By-law shall have paramountcy over the provisions in this By-Law, to the extent of any conflict between them.

12. OBSTRUCTION PROHIBITED

- a) No person, including the Owner, shall impede, interfere with, or obstruct an Officer in the execution of their duties and the inspection of property required under the By-law by doing any act or refusing any Officer direction including request for access to enter and inspect any property or structure thereon except those actual areas used as a dwelling unit.
- b) No person shall obstruct an Officer by providing false or misleading information.
- c) It is an Offence to obstruct an Officer in the discharge of their duties.

13. WORK ORDER

- a) Where the Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to do work to correct the contravention.
- b) An Order shall set out:
 - i. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - ii. the work or remedial action required to be done and the date by which the work or remedial action must be done.
- c) An Order may require work or remedial action to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- d) Any person who fails to comply with an Order issued under this By-law, is guilty of an offence.

14. SERVICE OF NOTICES/ORDERS

- a) An Order to secure a Vacant Building against unauthorized entry may be hand delivered to the Owner or posted at the site of the Vacant Building;

- b) An Order may be delivered in person to an Owner or occupant at the address of lands that are subject of the Order or left with an inmate therein that is over the apparent age of eighteen years; or
- c) An order may be sent via e-mail or text to an e-mail address or phone number that has been supplied for a communication purpose and will be deemed served only when such e-mail or text is acknowledged as being received and is not an auto-reply; or
- d) An Order may be sent registered mail to the last known address supplied to the City's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed; or
- e) An Order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.

15. REMEDIAL ACTION

- a) If a person fails to do any matter or thing as directed or required by this By-law, including to comply with an Order under this By-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person(s) expense. The City will invoice the Owner of all costs owing for actions taken by the City, but in default of receiving full payment of the invoice, the City may recover the costs of doing a matter or thing from the person directed or required to do it by instituting legal action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
- b) The costs incurred by the City to take corrective actions on behalf of the Owner, as authorized by this By-law, shall include any fees and charges authorized by the City in accordance with the User Fee By-law in relation to the matters identified in the By-law.

16. GENERAL PROVISIONS

- a) Where an Officer finds that measures taken pursuant to an Order have been insufficient to keep a Vacant Building or Unoccupied Building secured against unauthorized entry, subsequent Orders may be issued requiring additional measures to be taken by the Owner.
- b) It is an offence for any person other than the Owner to remove, tear down, or interfere with any notice or Order posted on the property.
- c) Every Owner shall comply with an Order to secure a Vacant Building or Unoccupied Building against unauthorized entry.

- d) It is an offence for an Owner to fail to apply to register every Vacant Building or renew a registration as required under this By-law;
- e) It is an offence to provide false, inaccurate, or misleading contact information as required for initial registration, changes in registration, or at renewal of same;
- f) It is an offence to fail to update the Registry to reflect a change in ownership of a registered property;
- g) It is an offence to fail to properly secure a building that is Vacant Building or Unoccupied Building so as to prevent unauthorized entry to anyone other than the Owner or authorized persons.

17. OFFENCE

Any person who fails to comply with any of the requirements of this By-law is guilty of an offence and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended from time to time, or any successor thereof.

18. PENALTIES

- a) Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the Municipal Act, 2001, any and all contraventions of this By-law are designated as continuing offences for each day they continue.
- b) Every person who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum fine of five thousand dollars (\$5,000.00) for the first offence and a maximum fine of ten thousand dollars (\$10,000.00) for any subsequent conviction under the By-law to the maximum prescribed in the Municipal Act 2001.
- c) In addition to the fine amounts set out in section 17(2), for each day or part of a day that an offence continues, the minimum fine shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines shall not exceed five thousand dollars (\$5,000) for the first conviction where the convictions are registered to a person that is not a corporation.
- d) Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).

- e) In addition to any monetary penalty any court of competent jurisdiction may, pursuant to section 431 of the Municipal Act, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

19. SEVERABILITY

Each and every of the provisions of this By-law is severable and if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

20. CONFLICTS

Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act, or Regulation in force within the municipality, the provision, which establishes the hher standards to protect the health, safety, and welfare of the occupants and the general public or where it gives greater effect to the purpose of this by-law, it shall prevail.

21. EFFECT

This by-law shall come into force and effect on the date it is passed.

Enacted and passed this 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro
Mayor

Krista Power
City Clerk



Memorandum

Corporate By-law Number BL 94/2022

TO: Office of the City Clerk **FILE:**

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: 08/16/2022

SUBJECT: BL 94/2022 – Minimum Heat By-law

MEETING DATE: City Council – 09/12/2022 (mm/dd/yyyy)

By-law Description: A By-law to authorize the City of Thunder Bay to require Owners of Residential Rental Dwellings to ensure such dwellings are provided with Adequate and Suitable Heat in residential accommodations and to repeal By-law 210-1974.

Authorization: Report R 106/2022 (Development & Emergency Services/Licensing & Enforcement) Committee of the Whole - July 25, 2022 and Memorandum from Doug Vincent relative to Referral of Report R 106/2022 (Development & Emergency Services/Licensing & Enforcement) Committee of the Whole August 22, 2022

By-law Explanation: The purpose of this By-law is to regulate and ensure adequate heating of residential rental dwellings.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 94/2022

A By-law to authorize the City of Thunder Bay to require Owners of Residential Rental Dwellings to ensure such dwellings are provided with Adequate and Suitable Heat in residential accommodations and to repeal By-law 210-1974.

Recitals:

1. By-law 210-1974, a by-law requiring adequate heat in rented accommodations was enacted and passed on September 11, 1974.
2. The *Municipal Act*, 2001, S.O. 2001, c.25, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;
3. The *Municipal Act*, 2001, S. O. 2001, c. 25, s. 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;
4. The *Municipal Act*, 2001, S. O. 2001 c. 25, s. 10 (2) (6), gives the municipality broad authority to pass by-laws respecting the health, safety, and well-being of persons;
5. It is deemed appropriate to repeal and replace By-law 210-1974.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SHORT TITLE

That this By-law may be cited as the "Minimum Heat By-law".

2 DEFINITIONS

- a) "Adequate and Suitable Heat" means that the minimum temperature of the air in the dwelling unit shall be 21 degrees Celsius (21 C) when measured as prescribed.
- b) "City" means the Corporation of the City of Thunder Bay and, where the context allows, shall include its agents and employees.
- c) "Dwelling Unit" means one or more habitable rooms designed and intended for human habitation.

- d) “Order” means a Work Order under Section 6 of this By-law.
- e) “Officer” means a Municipal Law Enforcement Officer or Police Officer.
- f) “Owner” means any person, firm, or corporation having control over all or any portion of the property under consideration and includes registered Owner(s) of land, but does not include a Tenant.
- g) “Person” includes and Owner, Tenant and a Corporation.
- h) “Property Entry By-law” means City of Thunder Bay By-law No. 75-2011 and includes any amendment thereto or successor by-law that may be enacted.
- i) “Residential Tenancies Act” means the Residential Tenancies Act, 2006, S.O. 2006 c17, as amended and any regulations thereunder.
- j) “Tenant” includes a person as defined under the Residential Tenancies Act.

3. OWNER(S) RESPONSIBILITY

- a) Every Owner of a Dwelling Unit which is rented or leased and which is to be heated by or at the expense of the Owner shall provide the dwelling unit with Adequate and Suitable Heat at the Owner’s expense.
- b) Every Owner of Dwelling Unit, that claims that the heating expense and/or control of is not Adequate and Suitable Heat under the control or the responsibility of the Owner, shall provide an Officer, on demand, sufficient proof that the Tenant is responsible for provision in relation to the Dwelling Unit for which an exemption to the requirement, is claimed.
- c) Every Owner of a Dwelling Unit that fails to produce the required proof of exemption, satisfactory to the Officer’s investigation and required in subsection 3(2) above, is deemed to be responsible to supply Adequate and Suitable Heat to that Dwelling Unit as set out in subsection 3(1) above.
- d) Every Owner of a Dwelling Unit that controls the distribution of Adequate and Suitable Heat by any means and from any location other than from within the Dwelling Unit, is deemed to be required to supply Adequate and Suitable Heat to the Dwelling Unit under subsection 3(1), regardless of any agreement to the contrary.
- e) Every Owner of a Dwelling Unit that controls the distribution of Adequate and Suitable Heat by any means and from any location, including from within the Dwelling Unit, where the Tenant is prevented or restricted from controlling the temperature of the Dwelling Unit, is deemed to be required to supply Adequate and Suitable Heat to the Dwelling Unit under subsection 3(1) regardless of any agreement to the contrary.

- f) Every Owner will ensure that Adequate and Suitable Heat shall be maintained in habitable space of the Dwelling Unit at a minimum temperature of no less than 21 degrees Celsius (21 C).
- g) Every Owner that is served with an Order pursuant to Section 6 of this By-law, shall comply with the Order.

4. MEASURING ADEQUATE AND SUITABLE HEAT

The temperature shall be measured and recorded by, or on behalf of, the Tenant using a thermometer as follows:

- a) In a habitable room within the Dwelling Unit;
- b) As close to the center of the room as possible; and
- c) As close to one point two metres (1.2 m) above the floor surface of the room;
- d) When window and external door openings are closed;
- e) Recorded in degrees Celsius (C).

5. INSPECTION AND ENFORCEMENT POWERS

- a) Every Officer shall be authorized to enforce the provisions of this By-law.
- b) Every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether the provisions of this By-law are being complied with.
- c) Every Officer may require information from any person concerning a matter related to the inspection.
- d) Every Officer may, verbally and in writing, vary or extend any of the time frames for compliance in this By-law.
- e) Officers may also rely on the authorities, if required, of the City's Property Entry By-law and any other authorizing By-law or statute.

6. WORK ORDER

- a) Where the Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to do work to correct the contravention.
- b) An Order under subsection 6(1) of this By-law shall set out:
 - i. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - ii. the work or remedial action required to be done and the date by which the work or remedial action must be done.
- c) An Order under subsection 6(1) of this by-law may require work or remedial action to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

- d) Any person who fails to comply with an Order issued under subsection 6(1) of this By-law, is guilty of an offence.

7. SERVICE OF NOTICES/ORDERS

- a) An Order may be hand delivered to the Owner or sent via e-mail or text to an address/number supplied by the Owner and, in the case of e-mail or text service transmission of an Order, it must be acknowledged as being received to be deemed as being served with the Order;
- b) An Order may be delivered in person to an Owner or occupant at the address of the Owner or at the lands that are subject of the Order or left with an inmate therein at those locations that is over that apparent age of eighteen years; or
- c) An Order may be sent registered mail to the last known address supplied to the City's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed; or
- d) An Order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.

8. GENERAL PROVISIONS

Space heaters shall not be used as a heat source for the purposes of obtaining compliance with the provisions of this By-law, except:

- a) On a temporary basis as is reasonably necessary while repairs or maintenance is actively being carried out; and
- b) Where solely powered by electricity.

9. REMEDIAL ACTION AND COSTS

If a Person fails to do a matter or thing, including to comply with an Order issued under this By-law, as directed or required by this By-law, the City may, in default of it being done by the Person directed or required to do it, do the matter or thing, and:

- a) Where the City does undertake work to ensure that the minimum required heat in compliance with this By-law, the work will be completed at the expense of the Owner.
- b) If the Owner fails to pay the cost of work completed under this By-law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as property taxes.

10. OBSTRUCTION

- a) 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 providing false or misleading information.

- b) A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of section 8(1) of this By-law, unless the Officer is acting under a warrant under section 439 of the *Municipal Act, 2001*, or in the circumstances described in sections 437(d) or (e) of the *Municipal Act, 2001*.

11. OFFENCE

Every Person, including a corporation, who contravenes a provision of this By-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

12. PENALTIES

- a. Every Person who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum fine of five thousand dollars (\$5,000.00) for the first offence and a maximum fine of ten thousand dollars (\$10,000.00) per/day for any subsequent conviction under the By-law to the maximum prescribed in the *Municipal Act 2001*.
- b. In addition to the fine amounts set out in section 12(2), for each day or part of a day that an offence continues, the minimum fine for each offence shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines shall not exceed five thousand dollars (\$5,000) for the first conviction where the convictions are registered to a person that is not a corporation.
- c. Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).
- d. In addition to any monetary penalty any court of competent jurisdiction may, pursuant to section 431 of the *Municipal Act*, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

13. COMPLIANCE WITH OTHER BY-LAWS

Compliance with this by-law shall not relieve any person from compliance with any other City By-laws.

14. SEVERABILITY

Each and every of the provisions of this By-law is severable and if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

15. REPEAL

By-law 210-1974, as amended and Chapter 831, titled Heat Rented Dwelling of the City of Thunder Bay Municipal Code are repealed.

16. EFFECT

This by-law shall come into force and effect on the date it is passed.

Enacted and passed this 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk

DRAFT

Memorandum

Office of the Mayor
Fax: 623-1164
Telephone: 625-3601

TO: Krista Power, City Clerk

FROM: Mayor Bill Mauro

DATE: August 19, 2022

SUBJECT: New Business Motion - Rural and Northern Immigration Pilot program
Committee of the Whole – August 22, 2022

The Rural and Northern Immigration Pilot (RNIP) is a community-driven immigration program. It is focused on economic immigration in smaller communities and assists skilled foreign workers to create a pathway to achieving permanent residence who want to work and live in Thunder Bay.

The program is run through the Thunder Bay Community Economic Development Commission (CEDC) and provides for a link between eligible employers and skilled foreign workers. The program supports employers to make full time permanent job offers to works who can help fill identified labour shortages in our city. This benefits employers, workers, and our community overall.

The Government of Canada makes the final decision to approve applications for permanent residence.

The RNIP is currently recognized as pilot program to take place over 3 years (November 2019 through December 2022). According to the CEDC's website "In Years 1 and 2 of the Pilot, a total of 245 recommendations were made".

The city of Sudbury recently passed a resolution to advocate for this program to be fully funded and permanent going forward as the challenges will continue to fill labour shortages after 2022. As our term is coming to a close, I feel this is an important issue to highlight for the city and as such bring the following motion forward for consideration.

WITH RESPECT to the Rural and Northern Immigration Pilot Program (RNIP), we recommend that this program be recognized as a priority for the city of Thunder Bay;

AND THAT the Intergovernmental Affairs Committee work with the Community Economic Development Commission (CEDC) who has carriage over the RNIP to advocate for the program to become permanent and additional funding be provided;

AND THAT a copy of this resolution be sent to NOMA, AMO, The Honourable Sean Fraser – Minister of Citizenship and Immigration, Refugees and Citizenship, The Honourable MP Patty Hajdu and the Honourable MP Marcus Powlowski;

AND THAT any necessary by-laws be presented to Council for ratification.