

The Corporation of the City of Thorold

By-law No. 109-2017

Being a By-Law to provide the Licensing, Regulating and Inspecting of Residential Rental Property in the City of Thorold

WHEREAS section 9 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (the “Act”) provides that a local municipality has the capacity, rights, powers and privileges of an actual person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS subsection 11(1) of the Act provides that a local municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(3) of the Act provides a local municipality with jurisdiction with respect to business licensing;

AND WHEREAS subsection 151(1) of the Act provides that, without limiting Sections 9, 10 and 11 of the Act, a local municipality may provide for a system of licenses with respect to a business;

AND WHEREAS subsection 23.2(4) of the Act permits a local municipality to delegate certain legislative and quasi-judicial powers;

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

~~AND WHEREAS on the following dates, the City held open houses and public meetings with respect to the licensing proposal: November 3, 2016 and November 7, 2016;~~

~~AND WHEREAS Council for the City of Thorold passed Report DES2017-74 on October 17<sup>th</sup>, 2017 to approve the adoption of a by-law to provide for the licensing and regulation of rental property in the City of Thorold;~~

AND WHEREAS the Council for the City of Thorold (“Council”) considers it necessary and desirable for the public to regulate the renting of residential property-dwelling units for the purpose of protecting the health and safety of the persons residing in residential rental properties-units by ensuring that these uses are identified; certain regulations are met; that the required essentials such as plumbing, heating and water are provided; for ensuring that the residential rental properties-dwelling units do not create a nuisance to the surrounding properties and neighbourhoods; and, to protect the residential amenity, character and stability of residential areas, and enacted a Residential Rental Licensing By-law on \*\* date;

AND WHEREAS Council has determined it is in the public interest to update its Residential Rental Licensing By-law and regulatory regime;

AND WHEREAS on the following dates, the City held open houses and public meetings with respect to updating its residential licencing regulatory regime on: \*\*

AND WHEREAS Council for the City of Thorold approved Report \*\* on \*\* relating to the adoption of an updated by-law to provide for the licensing and regulation of rental property in the City of Thorold-

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

**1. SHORT TITLE**

This By-Law shall be known as the “Residential Rental Licensing By-Law.”

**2. DEFINITIONS**

For the purpose of this By-Law:

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- 2.1. "Apartment building" means a building or part thereof containing at least five (5) or more separate Dwelling Units, all of which have a common entrance from grade and each of which has an independent entrance from a common corridor.
- 2.2. "Applicant" means and includes any person applying for a license under this By-Law;
- 2.3. "Bedroom" means a room or area within a Dwelling Unit, used, designed, equipped or intended for sleeping.
- 2.4. "Building" means:
  - 2.4.1. A structure occupying an area greater than 10 square metres consisting of a wall, roof and floor, or any of them or a structural system serving the function thereof, including all plumbing works, fixtures and service systems appurtenant thereto;
  - 2.4.2. A structure occupying an area of 10 square metres or less that contains plumbing, including the plumbing appurtenant thereto; or
  - 2.4.3. Structures designated in the Building Code.
- 2.5. "Building Code" means *Ontario Regulation 350/06*, as amended.
- 2.6. "Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c.23*, as amended.
- 2.7. "By-Law Enforcement Officer" means the By-Law Enforcement Officer for The Corporation of the City of Thorold.
- 2.8. "Chief Building Official" means The Chief Building Official for The Corporation of the City of Thorold or his or her designate.
- 2.9. "City" means The Corporation of the City of Thorold.
- 2.10. "Clerk" means the Clerk for The Corporation of the City of Thorold or his or her designate.
- 2.11. "Converted Dwelling" means a building which has been altered by the creation of more dwelling units that existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities.
- 2.12. "Council" means the City Council of The Corporation of the City of Thorold.
- ~~2.13. "Director" means the Director of Planning and Development Services Department for the Corporation of the City of Thorold or, in the alternative, someone designated to act on his or her behalf.~~
- 2.13. "Declaration" means a sworn declaration in the form provided by Clerk which is completed by the Owner of a Rental Property on an initial licence application or renewal thereof which attests to the nature of the use of the property proposed to be licenced under this By-law.
- 2.14. "Dwelling Unit" means a unit, whether in whole or in part, that:
  - 2.14.1. Consists of a self-contained set of rooms located in a Building;
  - 2.14.2. Is used, or is intended to be used, as a residence; and
  - 2.14.3. Contains a kitchen and bathroom facilities.
- 2.15. "Fire Chief" means the Fire Chief of The Corporation of the City of Thorold or, in the alternative, someone designated to act on his or her behalf.

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- 2.16. "Fire Prevention Officer" means the Fire Prevention Officer for The Corporation of the City of Thorold or someone designated to act on his or her behalf.
- 2.17. "Hearing Officer" means the hearing officer as defined and appointed in the City of Thorold Bylaw 72-2014, as amended.
- 2.18. "Inspector" means:
- 2.19.1. A member of the Fire and Emergency Services of the City and includes the Fire Chief and any other member of the Fire and Emergency Services designated by the Fire Chief;
  - 2.19.2. Chief Building Official;
  - 2.19.3. Building Inspectors;
  - 2.19.4. Property Standards Inspectors;
  - 2.19.5. By-Law Enforcement Officers.
- 2.19. "Licensee" means any person, corporation or partnership licensed under this By-Law.
- 2.20. "Lot" means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a Registered Plan of Subdivision, including any part of which is subject to an easement or right of way.
- 2.21. "Medical Officer of Health" means the Medical Officer of Health for the Niagara Region or a person delegated by him or her for the purposes of this By-Law.
- 2.22. "Occupier" means the person who has the right to occupy a Rental Unit.
- 2.23. "Ontario Fire Code" means the regulations established through the Fire Protection and Prevention Act and any amendments and / or alterations made under that Act.
- 2.24. "Owner" includes a person who, alone or with others, owns a Rental Property.
- 2.25. "Owner-occupied" means occupied by persons holding at least 50% of the title to the property as identified in the Ministry of Government and Consumer Services Parcel Register.
- 2.26. "Person" shall include an individual, association, charter association, firm, partnership, corporation or other entity.
- 2.27. "Police Officer" means a police officer, as defined by the *Police Services Act, R.S.O. 1990, c.P.15*, as amended.
- 2.28. "Rent" includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of a Rental Unit.
- 2.29. "Rental Area" means each Lot that a Rental Unit occupies.
- 2.30. "Rental Property" includes each building containing a Rental Unit and the Rental Area.
- 2.31. "Rental Unit" means a Dwelling Unit offered for Rent.
- 2.32. "Residential Rental Business" means the operation of a Rental Unit.
- 2.33. "Tenant" includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit.
- 2.34. "Zoning By-Law" means the City of Thorold Comprehensive Zoning By-law, as amended.

### 3. PROHIBITION

- 3.1. No person shall do any of the following, except in accordance with a current and valid license issued under the authority of this By-law:
  - 3.1.1 Carry on a Residential Rental Business;
  - 3.1.2 Permit a Person to carry on a Residential Rental Business;
  - 3.1.3 Collect Rent or permit Rent to be collected for a Rental Unit;~~or~~
  - 3.1.4 Hold themselves out as being licensed to carry on a Residential Rental Business; or
  - ~~3.1.4~~3.1.5 Advertise a Rental Unit for rent without a Licensing having been issued.
- 3.2. No person shall fail to comply with a term or condition of a license issued under this By-law.
- 3.3. No license issued under this By-Law may be transferred to any other Person.
- 3.4. No Person shall provide false or misleading information to the City when applying for a license under this By-law, renewing a license or at any other time.
- 3.5. No Person shall carry on a Residential Rental Business while the license issued under this By-law is under suspension.

### 4. EXEMPTION

- 4.1. Notwithstanding any other provision of this By-Law to the contrary, a license to carry on a Residential Rental Business is not required for:
  - 4.1.1. A Rental Unit that is occupied by all Owners of the Rental Unit as their sole residence and in which no more than two (2) bedrooms are occupied by Tenants;
  - 4.1.2. A Tenant that is subletting a Rental Unit provided that:
    - 4.1.2.1. The owner of the Rental Unit has obtained a license for the Rental Property in accordance with the provisions of this By-Law.
  - 4.1.3 A student residence/dormitory operated by a University, College or private operator provided it is zoned as such under the Zoning By-Law, as amended;
  - 4.1.4 An Apartment Building;
  - 4.1.5 A hotel, an inn or bed and breakfast, as defined by the Zoning By-law;
  - 4.1.6 A group home, as regulated by the City of Thorold Group Home By-Law; or
  - 4.1.7 A Rental Unit to which any of the following statutes, or their regulations apply:
    - 4.1.7.1 The *Homes for Special Care Act, R.S.O. 1990, c. H.12*, as amended;
    - 4.1.7.2 The *Innkeepers Act, R.S.O. 1990, c. 17*, as amended;
    - 4.1.7.3 The *Long-Term Care Homes Act, 2007, S.O. 2007, c. 8*, as amended;
    - 4.1.7.4 The *Retirement Homes Act, 2010, S.O. 2010, c. 11*, as amended; and
    - 4.1.7.5 The *Social Housing Reform Act, 2000, S.O. 2000, c. 27*, as amended.

## 5. LICENSING REQUIREMENTS

- 5.1 Any Person seeking to obtain ~~or renew a~~ License or renewal thereof to carry on a Residential Rental Business shall:
- 5.1.1 Be at least eighteen (18) years of age;
- 5.1.2 Complete the application and provide the supporting material ~~as set out~~ inrequired by Sections 7, 8, and 9 of this By-law; and
- 5.1.3 Pay the required fee as required by Schedule “A” of this By-law; and, where applicable, the City’s Fees and Charges By-law.
- 5.2 This By-law applies to all Residential Rental Businesses within the City unless otherwise exempted by this By-law.
- 5.3 Each Rental Property shall be individually licensed to carry on the business of the Residential Rental Business.
- 5.4 All fees paid under this By-law are non-refundable.

## 6. ADMINISTRATION

- 6.1. The power and authority to issue or renew a license, refuse to issue or refuse to renew a license, to cancel, to impose terms and conditions, including special conditions, on a license, are hereby delegated to the ~~Director~~Clerk.
- 6.2. The ~~Clerk~~Director shall generally perform all of the administrative functions conferred upon him or her by this By-Law and without limitation may:
- 6.2.1. Receive and process all applications for all licenses and renewals of licenses under this By-Law;
- 6.2.2. Issue and renew licenses in accordance with the provisions of the By-Law;
- 6.2.3. Impose terms and conditions on licenses in accordance with this By-Law; and,
- 6.2.4. Refuse to issue or renew a license or revoke or suspend a license in accordance with this By-Law.
- 6.3. The power and authority to hear an appeal from the refusal to issue a license, the refusal to renew a license, the decision of the ~~Clerk~~Director to suspend a license or impose conditions is hereby delegated to the Hearing Officer.

## 7. APPLICATION FOR A LICENSE AND RENEWAL OF A LICENSE

- 7.1. An application for a license shall be made to the ~~Clerk~~Director on the form provided by the ~~Clerk~~Director and shall include:
- 7.1.1. The municipal address and legal description of the Rental Property;
- 7.1.2. The name, municipal address, telephone number and email address of each Owner;
- 7.1.3. Evidence of ownership of the property to the satisfaction of the ~~Clerk~~Director;
- 7.1.4. If an Owner is a corporation, the address of its head office, the name, address, telephone number and email address of each director and officer and shareholder and a copy of the:
- 7.1.4.1. Owner’s Articles of Incorporation; or
- 7.1.4.2. A corporate profile report issued by the Ontario Ministry of Consumer and Business Services.

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7.1.5. If the Applicant or Licensee is a partnership, the name, municipal address, telephone number and email address of each partner and details of each partner's interest in the partnership;

7.1.6. A sworn statement by each Owner certifying the accuracy, truthfulness and completeness of the application; and

7.1.7. Each Owner's signature or any duly authorized Owner's agents that would bind the Owner.

7.1.8. Proof of Insurance that:

7.1.8.1. Includes a limit of liability of no less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury; and

7.1.8.2. Identifies that the proposed use of the premise is that as a Residential Rental Unit; and

~~7.1.8.3. Requires that the Director~~Clerk~~ be notified of any intended cancellation by the insurer no fewer than 21 days prior to such cancellation.~~

~~7.1.8.3. A license issued under this By-law to carry on a Residential Rental Business expires two (2) years from the date of issuance, unless suspended or revoked.~~

**7.2. An original licence issued under this By-law to carry on a Residential Rental Business shall expire three (3) years from the date of issuance, unless suspended or revoked.**

~~7.2.7.3.~~ **In the case of a license renewal, an issued licence shall be valid for a three (3) year term commencing on the day immediately following the expiry of the preceding licence.**

~~7.3.7.4.~~ A renewal application must be filed at least sixty (60) days prior to the current license expiring. A renewal license must be obtained prior to expiration of a valid license in order for the application to qualify as a renewal of license under Section 9.

**8. MATERIAL TO BE FILED IN SUPPORT OF LICENSE APPLICATION**

8.1. Every person applying for an initial license shall, in addition to completing the application provided for in Section 7.1, provide the following additional material in support of the license application:

8.1.1. Floor plan(s) of the Rental Unit including, for each room, its dimensions and proposed use, clearly indicating the location and number of Bedrooms;

8.1.2. A maintenance plan which identifies the measures that the Owner will take to ensure compliance with the City's Clean Yards and Property Standards By-Laws and Regional Waste Management By-Law for the Rental Property;

8.1.3. A site sketch that indicates the location of the Rental Unit, any external garage/recycling facilities, and parking spaces (clearly indicate the number of spaces provided and their dimensions) for the Rental Property;

8.1.4. Evidence satisfactory to the ~~Clerk~~Director confirming that the Rental Unit and its proposed use comply with the *Electrical Safety Code, O. Reg. 164/99*;

8.1.5. A completed self-certification check list;

8.1.6. A completed fire safety plan for the Rental Unit, if required by the Ontario Fire Code;

~~8.1.6.~~8.1.7. A completed Declaration attesting to the nature of the use of the Rental Property;

~~8.1.7-8.1.8.~~ The prescribed fee in Schedule 'A'; and

~~8.1.8-8.1.9.~~ Any other documentation or information as may be required in any other Part of this By-Law or by the ClerkDirector.

## 9. MATERIAL TO BE FILED IN SUPPORT OF A RENEWAL OF A LICENSE

9.1. Every person applying for a ~~license~~-renewal of a License shall submit a complete application as required in Section 7.1 along with the following supporting material:

9.1.1. If no changes have been made to the floor plan, maintenance plan, site sketch, or fire plan submitted with the original application, a Declaration that there have been no such changes;

9.1.2. If changes have been made to the floor plan, maintenance plan, site sketch, or fire plan submitted with the original application:

9.1.2.1. A revised floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use clearly indicating the location and number of Bedrooms, if changes have been made to the floor plan;

9.1.2.2. A revised maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Clean Yards and Property Standards By-Laws and Regional Waste Management By-Law, if changes have been made to the maintenance plan for the Rental Property; and

9.1.2.3. A revised site sketch that indicates the location of the Rental Unit, any external garage/recycling facilities, and parking spaces (clearly indicate the number of spaces provided and their dimensions) for the Rental Property;

9.1.2.4. A revised fire safety plan for the Rental Unit, if changes have been made to the fire plan;

9.1.3. If changes have been made to the electrical installation, evidence satisfactory to the ~~Director~~-Clerk confirming that the Rental Unit and its proposed use comply with the *Electrical Safety Code, O. Reg. 164/99*; ~~and~~

9.1.4. An updated self-certification checklist;

~~9.1.3-9.1.5.~~ An updated Declaration;

~~9.1.4-9.1.6.~~ The prescribed fee(s) in Schedule 'A'.

9.2. Notwithstanding Section 9.1, the ~~Director~~-Clerk may require that an Owner comply with Section 8.1 where, in the opinion of the ClerkDirector, the renewal application in respect of a Rental Property, ~~when~~ the Rental Unit and/or Rental Area is substantially different than an original application.

## 10. REVIEW OF APPLICATION AND RENTAL PROPERTY INSPECTION

10.1. The ClerkDirector may cause such investigations to be undertaken respecting an application for license or renewal thereof as the ClerkDirector determines to be relevant to the application.

~~10.2.~~ ~~By filing an application, an Applicant or, in the case of a renewal, a Licensee, consents to the inspection of the Rental Property including the Rental Unit and/or Rental Area.~~

10.2. Upon receipt of a completed application for initial license and all accompanying documentation and the required fees, the City will schedule an inspection of the Rental Property including the Rental Unit and/or Rental Area.

~~10.3-10.2.1.~~ Inspection of a Rental Property on a renewal application shall be at the discretion of the Clerk where, in the opinion of the Clerk, the renewal

application in respect of the Rental Property, the Rental Unit and/or the Rental Area has substantially changed or there are concerns with the renewal application that remain outstanding

10.3. By filing an application, an Applicant or, in the case of a renewal where the City determines that an inspection is required, a Licensee, consents to the inspection of the Rental Property including the Rental Unit and/or Rental Area.

- 10.4. The ~~Director~~Clerk may reject an application or its renewal where any of the documents required by this By-law are incomplete or have not been filed.
- 10.5. The ~~Director~~Clerk may reject an application or its renewal where any of the documents required by this By-law are issued prior to the sixtieth (60<sup>th</sup>) day preceding the date on which the application is submitted.

## 11. ISSUANCE OF A LICENSE

11.1. The ~~Clerk~~Director shall issue or renew a license to carry on a Residential Rental Business to any Person who meets the requirements of this By-law, except where:

11.1.1 The past conduct of the Person who applies for the license affords the ~~Clerk~~Director reasonable grounds to believe that the Applicant has not or will not carry on their Residential Rental Business in accordance with applicable law or with honesty and integrity;

11.1.2 The ~~Clerk~~Director reasonably believes that the issuing of a license for the Residential Rental Business might be adverse to the public interest;

11.1.3 The ~~Clerk~~Director, acting reasonably, is of the opinion that the Residential Rental Business being licensed poses a threat to the health and safety of persons or property; or

11.1.4 The Rental Property is subject to an outstanding order, or orders, made pursuant to or ~~by~~under:

11.1.4.1. The City's Property Standards By-law;

~~11.1.4.1.~~11.1.4.2. The City's Noise or Public Nuisance By-law

~~11.1.4.2.~~11.1.4.3. The *Building Code Act, 1992* or any regulations made under it, including the Building Code;

~~11.1.4.3.~~11.1.4.4. The *Fire Protection and Prevention Act, 1997 S.O. 1997, c.4*, as amended (the "*Fire Protection and Prevention Act, 1997*"), or any regulation made under it, including the Fire Code; or

~~11.1.4.4.~~11.1.4.5. The Medical Officer of Health;

11.1.5 The Rental Property is not in compliance with the City's Comprehensive Zoning By-law, as amended;

11.1.6 The Applicant owes any fine or fee to the City in respect of the Rental Property; or

11.1.7 The ~~Clerk~~Director has received an objection to the issuance of the license by the Chief Building Official, the Fire Chief or the Director of Planning ~~staff~~of their designates.

11.2. Where the ~~Clerk~~Director has made a decision of non-issuance of a license, outlined under section 11.1, the ~~Clerk~~Director's written notice of that decision shall be given to the Applicant or the Licensee, in the case of a renewal, by regular mail or email to the last known address of that Person and shall be deemed to have been given on the third

day after it is mailed. Service on a corporation can be affected by registered mail or email to the address of the corporation's registered head office.

- 11.3. The written notice of non-issuance of a license to be given under Section 11.2 shall:
  - 11.3.1. Set out the reasons for the decision;
  - 11.3.2. Be signed by the ~~Clerk~~Director; and
  - 11.3.3. State that the Applicant or Licensee is entitled to a hearing by the Hearing Officer which shall take place within thirty (30) days of the notice of decision of the non-issuance of a license under section 11.1 if the Applicant or Licensee delivers to the ~~Director~~Clerk within ten (10) days after the notice of decision in subsection 11.2 is served, and provides to the City the appeal fee as set out in Schedule 'A' of the By-Law.
- 11.4. Where no appeal is registered within the required time period, the decision of non-issuance of a license made by the ~~Director~~Clerk shall be final as of the day the decision was made.
- 11.5. Each license shall include, without limitation, the following:
  - 11.5.1. The license number;
  - 11.5.2. Date the license was issued and the date it expires;
  - 11.5.3. The municipal address of the Rental Property;
  - 11.5.4. The name, address, telephone number and email address of each Licensee;
  - 11.5.5. Where a Licensee is a corporation, the name, address and telephone number of each director or of their duly authorized agent;
  - 11.5.6. Where a Licensee is a partnership: the name, address and telephone number of each partner.
- 11.6. Every license, at all times, is owned by and is the property of the City and is valid only in respect of the Person and for the Rental Property name therein.
- 11.7. Within ~~seventy-two (72) hours~~five (5) days of a change in ownership for a Rental Property, the new Owner shall provide the following to the ~~Director~~Clerk in order to have a license reissued:
  - 11.7.1. The name, municipal address and telephone number of each Owner;
  - 11.7.2. A copy of the Transfer/Deed evidencing the new ownership;
  - 11.7.3. Proof of Insurance according to Sections 7.1.8. and 12.1.5. of this By-Law;
  - 11.7.4. A statement by each Owner certifying no changes have been made to the floor plan, maintenance plan, parking plan, site plan, or fire plan submitted according to Sections 8.1.1., 8.1.2., 8.1.3., 8.1.6. and 8.1.7. of this By-Law;
  - 11.7.5. A statement by each Owner certifying the Rental Property conforms with Sections 7, 8, and 12 of this By-Law; and
  - 11.7.6. Each Owners signature or of any duly authorized Owner's agent that would bind the Owner;
  - 11.7.7. The prescribed fee in Schedule 'A'.

11.8. Following a change in ownership, a reissued license under this By-Law shall continue for the period of time for which it was originally issued.

## 12. LICENSE CONDITIONS

12.1. The following conditions are attached to each license issued under this By-law.

12.1.1. The Rental Unit is lawfully constructed.

12.1.2. No room within the Rental Unit shall be used as a Bedroom except a Bedroom depicted in the floor plan submitted for the license.

12.1.3. An Owner shall notify the ~~Director-Clerk~~ in writing within ~~seven (7)~~five (5) days of any change to any information provided pursuant to Sections 7, 8, and 9 of this By-Law or any material change in respect of the operation of the Rental Unit or Rental Property.

12.1.4. A legible copy of the ~~l~~license shall remain and be readily available on the property.

12.1.5. The Licensee shall maintain in good standing the following insurance respecting a Rental Property that:

12.1.5.1. Includes a limit of liability of not less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury;

12.1.5.2. Identifies the use as a residential Rental Unit; and

12.1.5.3. Requires that the ~~Director-Clerk~~ be notified of any intended cancellation by the insurer no fewer than twenty-one (21) days prior to such cancellation;

12.1.6. The Licensee shall ensure compliance with all applicable laws including:

12.1.6.1. The *Health Protection and Promotion Act (Ontario)* and its regulations, as amended;

12.1.6.2. The *Electrical Safety Code, O. Reg. 164/99*, as amended;

12.1.6.3. The *Building Code Act, 1992 (Ontario)* and its regulations, as amended,

12.1.6.4. The City's Comprehensive Zoning By-Law ~~2140(97)60-~~2019, as amended,

12.1.6.5. The City's Property Standards By-Law, as amended;

~~12.1.6.6.~~ 12.1.6.6. The City's Clean Yards By-law, as amended; ~~and~~

~~12.1.6.6-12.1.6.7.~~ 12.1.6.7. The City's Noise and Public Nuisance By-laws, as amended; and

~~12.1.6.7-12.1.6.8.~~ 12.1.6.8. The Niagara Region's Waste Management By-Law, as amended.

12.1.7. The Licensee shall comply with the maintenance plan submitted pursuant to Sections 8.1.2. and 9.1.2.2. of this By-Law.

12.1.8. The Licensee shall ensure that no vehicle is stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan filed pursuant to the provisions of this By-Law.

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- 12.1.9. The Licensee shall allow, at any reasonable time and when permitted by law, the City to inspect the Rental Property including the Rental Unit and/or Rental Area.
- 12.1.10. The Licensee shall ensure that the Rental Property are not constructed or equipped so as to hinder the enforcement of this By-Law.
- 12.1.11. If the Licensee is a partnership or a corporation, any change in the composition of the partnership or of the officers and/or directors of the corporation shall be reported to the Director within ten (10) days.
- 12.2. The ~~Director~~Clerk may impose such additional conditions as the Clerk ~~Director~~ determines are appropriate in relation to the issuance of any license at any time during the term of the license, as are necessary in the opinion of the Clerk ~~Director~~ to give effect to the purposes of this By-Law.
- 12.3. Where a Person is dissatisfied with any condition imposed by the Clerk ~~Director~~ in relation to a license, the person may request a review by the Hearing Officer.
- 12.4. Notwithstanding the above, there is no right of appeal from the Clerk's ~~Director's~~ refusal to exempt any Person from a condition that represents a minimum standard prescribed by the *Ontario Building Code* or the *Ontario Fire Code*.
- 12.5. Every Applicant or Licensee who wishes to amend or change the terms or conditions of an existing license shall submit a new application.

### 13. REVOCATION AND SUSPENSION OF LICENSES

- 13.1. The Clerk ~~Director~~ may revoke or suspend a license to carry on a Residential Rental Business at any time where:
- 13.1.1. A Licensee is convicted of contravening any provision of this By-Law;
- 13.1.2. A Licensee is convicted of contravening any provision of the *Building Code Act*; the *Fire Protection and Prevention Act* and the *Ontario Fire Code* relating to the use of the premises as a Rental Property;
- 13.1.3. There are reasonable grounds for belief that an application or any other document or information provided on behalf of the Licensee contains a false statement or false information;
- 13.1.4. A Licensee breaches a condition of the license;
- 13.1.5. The license was issued in error;
- 13.1.6. The Clerk ~~Director~~, acting reasonably, is of the opinion that the Residential Rental Business being licensed poses a threat to the health and safety of persons or property; or
- 13.1.7. The Clerk ~~Director~~ becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Clerk ~~Director~~ refusing to issue the license, including with respect to the truthfulness or accuracy of the Declaration.
- 13.2. The Clerk ~~Director~~ may revoke or suspend a license to carry on a Residential Rental Business for a period of time and subject to such terms or conditions that the Clerk ~~Director~~ considers appropriate.
- 13.3. The Clerk ~~Director~~, before revoking or suspending a license pursuant to Section 13.1 of this By-law shall consider:
- 13.3.1. The impact of any such license revocation or suspension on any Tenant; and

- 13.3.2. Imposing terms or conditions on any such license revocation or suspension that would minimize the adverse impact on Tenants, including the possibility of providing a reasonable time period before the license revocation or suspension takes place to permit Tenants to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board;
- 13.4. The ~~Clerk Director~~ shall provide the Licensee notice that their Residential Rental Business license has been suspended or revoked and provide written reasons outlining why their license has been suspended or revoked. The ~~Clerk's Director's~~ written notice of that decision shall be given to the Licensee by regular mail or email to the last known address of that Person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail or email to the address of the corporation's registered head office.
- 13.5. The written notice to be given under Section 13.4 shall:
- 13.5.1. Set out the reasons for the decision;
- 13.5.2. Be signed by the ~~Clerk Director~~; and
- 13.5.3. State that the Applicant or Licensee is entitled to a hearing by the Hearing Officer which shall take place within thirty (30) days of the written notice of a license being suspended or revoked if the Applicant or Licensee delivers to the ~~Clerk Director~~ within ten (10) days after the notice in subsection 13.4 is served, and provides to the City the appeal fee as set out in Schedule 'A' of the By-Law.
- 13.6. Where the ~~Clerk Director~~ suspends or revokes a license for reasons related to public health and / or safety issues, the license may be automatically suspended by the ~~Clerk Director~~ until such time as a determination on the issue has been made by the Hearing Officer, provided that:
- 13.6.1. Before suspending the license, the City provides the Owner with the reasons for the suspension either verbally or in writing and an opportunity to respond to them; and
- 13.6.2. The suspension shall not exceed fourteen (14) days, unless otherwise authorized by the ~~Clerk Director~~.
- 14. APPEAL OF THE ~~DIRECTOR'S-CLERK'S~~ DECISION TO REFUSE TO ISSUE A LICENSE, TO IMPOSE CONDITIONS OR TO REVOKE OR SUSPEND A LICENSE**
- 14.1. Any Person who has been denied a license, or the renewal of a license, or has had their license suspended or revoked, or has had terms or conditions imposed by the ~~Clerk Director~~, may appeal the decision to ~~the~~ Hearing Officer.
- 14.2. The provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c.S.22*, except Sections 17, 17.1 and 19 apply to all hearings conducted by the Hearing Officer under this By-law.
- 14.3. When the Applicant or Licensee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearing Officer may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceeding.
- 14.4. At the conclusion of the hearing, the Hearing Officer may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licensee and the ~~Clerk Director~~.
- 14.5. The Hearing Officer may uphold or vary the decision of the ~~Clerk Director~~ or make any decision that the ~~Director-Clerk~~ was entitled to make in the first instance.
- 14.6. The decision of the Hearing Officer is final.

## **15. INSPECTION**

- 15.1. The City may enter on land at any reasonable time for the purposes of carrying out an inspection to determine whether or not the following are being complied with:
  - 15.1.1. This By-Law;
  - 15.1.2. A direction or order issued under this By-Law;
  - 15.1.3. A condition of a license issued under this By-Law; or
  - 15.1.4. An order made under Section 431 of the *Municipal Act*.
- 15.2. An Inspector may, for the purpose of an inspection:
  - 15.2.1. Require the production for inspection of documents or things relevant to the inspection;
  - 15.2.2. Inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - 15.2.3. Acquire information from any Person concerning a matter related to the inspection; and
  - 15.2.4. Alone or in conjunction with a Person possessing special or expert knowledge, make examination or take test samples or photographs necessary for the purpose of an inspection.
- 15.3. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.
- 15.4. No Person exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a Dwelling Unit unless:
  - 15.4.1. The consent of the Occupier is obtained, the Tenant or Owner first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the *Municipal Act, 2001*, a warrant issued under section 439 of the *Municipal Act, 2001* or a warrant under section 386.3 of the *Municipal Act, 2001*;
  - 15.4.2. An order issued under section 438 of the *Municipal Act, 2001* is obtained;
  - 15.4.3. A warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
  - 15.4.4. A warrant issued under section 386.3 of the *Municipal Act, 2001* is obtained;
  - 15.4.5. The delay necessary to obtain an order under section 438 of the *Municipal Act, 2001* to obtain a warrant under section 439 of the *Municipal Act, 2001* or to obtain the consent of the Occupier would result in an immediate danger to the health or safety of any Person, or,
  - 15.4.6. The City has given notice of its intention to enter to the Occupier of the land as required under subsection 435(2) of the *Municipal Act, 2001* and the entry is authorized under sections 79, 80 or 446 of the *Municipal Act, 2001*.
- 15.5. This By-law may be enforced by Inspectors and or a Police Officer(s).

## **16. PENALTIES**

- 16.1. Every Person who contravenes any provision of this By-Law is guilty of an offence.
- 16.2. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-Law is guilty of an offence.

- 16.3. Each Person and/or corporation who contravenes a provisions of this By-law shall:
- a) when given a Penalty Notice in accordance with the City of Thorold's Administrative Penalty By-law, be liable to pay to the City an Administrative Penalty in the amount specified by the Administrative Penalty By-law, for each day or part of a day on which the contravention continues; or
  - b) upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended."
- 16.4 If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- 16.4.1 Prohibiting the continuation or repetition of the offence by the person convicted; and
  - 16.4.2 Requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **17. GENERAL**

- 17.1. If any term of this By-Law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this By-Law and / or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.
- 17.2. If there is a conflict between a provision of the By-Law and a provision of any other City By-Law, then the more restrictive provision shall apply.
- 17.3. The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.
- 17.4. The following schedule shall form part of this By-Law:
- Schedule 'A' – Fees

## **18. DATE OF ENACTMENT**

This By-Law shall come into force and effect on the ~~1<sup>st</sup>~~-day of ~~January, 2018.~~

~~Read a first, second and third time and finally passed by Council this 21<sup>st</sup> day of November, 2017.~~

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A. T. (Ted) Luciani, Mayor

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~~Donna Delvecchio, City Clerk~~