

Bill No. 309  
2023

By-law No. PH-6-23\_\_\_\_

A by-law to amend By-law No. PH-6, as amended, being "A by-law concerning the provision of vital services and the maintenance of suitable heat at leased or rented dwellings".

WHEREAS section 216 of the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17 permits the council of a local municipality to pass by-laws concerning the provision of adequate and suitable vital services to leased or rented dwelling units.

AND WHEREAS section 446(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality has the authority under this or any other Act or under a by-law under this or any other Act 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,

AND WHEREAS section 446(2) provides that for the purposes of section 446(1) the municipality may enter upon land at any reasonable time.

AND WHEREAS Section 23.1 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers.

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of By-law No. PH-6 is amended by deleting and replacing the following definitions:

**"Act"** means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17.

**"Supplier of a vital service"** means a person who carries on the business of or whose business includes supplying a vital service to an end user, and includes,

- (a) in the case of electricity, London Hydro Inc.
- (b) in the case of artificial and natural gas, Enbridge Gas Inc.
- (c) in the case of municipal water, the City Engineer; and
- (d) in the case of chilled water, hot water and steam, London – Enwave Energy Corporation.

2. Section 2.3 of By-law No. PH-6 is deleted and replaced by the following:

**2.3 Exception to by-law application**

Despite section 2.2, this by-law does not apply to a landlord in respect of a rented residential unit and a vital service to the extent that the tenant has as part of a tenancy agreement expressly agreed to obtain and maintain the supply of the vital service.

3. Section 4.2 of By-law No. PH-6 is deleted in its entirety and replaced by the following:

**4.2 Notice - 15 days before cessation of service**

A notice of disconnection shall be given, in writing, by the supplier, to the City Clerk and to the landlord at least fifteen days before the supplier ceases to provide the vital service and shall contain the following:

- (a) the name, address, telephone number, and e-mail of the supplier.
- (b) the type of vital service being supplied.

- (c) the name, address, and telephone number of the landlord with whom the supplier has a contract for the supply of the vital service and the name of the registered owner if not the same name as the landlord.
- (d) the municipal address of the building at which the vital service is being supplied.
- (e) confirmation that at least one rented residential unit is occupied at the subject site.
- (f) the nature of the landlord's breach of contract with the supplier.
- (g) if the breach in clause (f) is nonpayment of charges for supply of the vital service, the amount of the unpaid charges, any interest and administration charges, and the amount of any disconnection and reconnection charges.
- (h) the date and time when the supplier will cease to provide the vital service; and
- (i) the name, address, telephone number, and e-mail of an individual authorized by the supplier to receive a direction made under section 4.3.
- (j) a reference to the Vital Services By-law and a statement that if the breach of contract is for nonpayment of charges for the supply of vital services, the City of London may act without further notice to pay to the supplier the outstanding charges and add the amount paid to the property owner's taxes in accordance with the provisions of the Vital Services By-law.

4. Section 5.1(d)(i) of the By-law is hereby deleted and replaced with the following:

- (i) the vital services being provided are currently not adequate or suitable; or

5. Section 5.1(k) of the By-law is hereby deleted and replaced with the following:

- (k) shall provide the Hearings Officer with sufficient information to enable the Hearings Officer to conduct a hearing described in Section 5.8 if an appeal is made from an interim certificate.

6. Section 5.2 of By-law No. PH-6 is deleted and replaced with the following

**5.2 Inspection of occupied unit**

Despite clauses 5.1(a) and (b), the Director or the person acting under their instructions shall not enter a place used as a rented residential unit,

- (a) unless consent has been obtained by the occupier of the unit after informing the occupier that they may refuse permission to enter the unit; or
- (b) unless the Director or the person acting under their instruction is authorized to do so by a warrant issued under the Provincial Offences Act.

7. Section 5.3 of By-law No. PH-6 is deleted and replaced with the following

**5.3 Effect of rent paid**

A payment to the City of any or all the rent by a tenant pursuant to a direction by the Director shall be deemed not to constitute a default in the payment of rent due under a tenancy agreement or a default in the tenant's obligations for the purposes of the Act.

8. Section 5.4 of By-law No. PH-6 is deleted and replaced with the following

**5.4 Lien**

The City has a lien against the property at which the vital service is to be provided. The lien value is for the amount it spends for a vital service that it arranges to be provided at a rented residential unit under this by-law plus an administration fee of 10 percent of that amount against the property at which the vital service is provided. The amount The City spends for a vital service that it arranges to be provided at a rented residential unit under this by-law is to include all current and outstanding charges existing on the vital service account.

9. Section 5.8 of By-law No. PH-6 is deleted and replaced with the following

**5.8 Appeal**

- (a) The affected owner, mortgagee or other encumbrancer may, within fifteen (15) days after the interim certificate is mailed, appeal the amount shown on it by requesting a hearing by a Hearings Officer. The request shall be made in writing and filed with the City Clerk. The request shall consist of a notice of appeal and must comply with the filing requirements as set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121 as amended.
- (b) The power and authority to conduct hearings of appeals under this by-law are hereby delegated to the Hearings Office.
- (c) The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, apply to all hearings conducted by a Hearings Officer.
- (d) The decision of the Hearings Officer shall be final.

10. Section 6.7 of By-law No. PH-6 is deleted and replaced with the following

**6.7 Hindering authorized acts - prohibited**

No person shall hinder, obstruct, or interfere with or attempt to hinder, obstruct, or interfere with the Director or with a person acting under instruction of the Director in the exercise of a power or performance of a duty under the Act or this by-law.

11. This by-law shall come into force and effect on the day it is passed subject to the provisions of PART IV.1 of the *Municipal Act*, 2001.

PASSED in Open Council on August 29, 2023 subject to the provisions of PART IV.1 of the *Municipal Act*, 2001.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – August 29, 2023  
Second Reading – August 29, 2023  
Third Reading – August 29, 2023