

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: Renovictions - Initial Research Report
Date: March 18, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, this information report **BE RECEIVED**.

Executive Summary

Structural displacement, more commonly referred to as renoviction, is affecting citizens around the world, including here in London. In the Canadian context, New Westminster and Burnaby British Columbia have been at the forefront of the municipal response to the tenant/landlord relationship set out in the BC Residential Tenancy Act. Recently, Hamilton ON passed a by-law to license landlords once they have filed an N13 Notice with the Landlord Tenant Board, as per the Ontario Residential Tenancies Act.

Council has requested that Civic Administration research the scope of the problem and report back with their findings. Based on academic research and direct communication with other municipalities, external service providers, and City of London Staff, Civic Administration submits their findings on the nature and scope of the renoviction issue, concluding that the next steps should be to explore a multi-layered tenant support program centred around a renoviction by-law.

Linkage to the Corporate Strategic Plan

The issue of renovictions has linkages to the following the areas of focus: '*Housing and Homelessness*,' '*Wellbeing and Safety*,' and a '*Well-run City*.'

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None

1.2 January 24, 2024, Council Resolution

In January of 2024, Civic Administration were directed to:

"That the following actions be taken with respect to Municipal Options to Limit or Prevent Renovictions:

a) the Civic Administration BE DIRECTED to report back to the Community and Protective Services Committee (CPSC) with recommendations on a spectrum of municipal options to limit or prevent renovictions, including but not limited to amendments to or new municipal by-laws, policies and programs, by the end of Q3 of 2024;

b) the communications from Mayor Morgan, Deputy Mayor Lewis and Councillor Cuddy and Councillor Trosow, as appended to the Agenda and the Added Agenda BE RECEIVED and BE REFERRED to Civic Administration for

consideration with respect to including the potential operational value of N12-N13 filing requirements in the report back; and,

c) the Civic Administration BE REQUESTED to include, in the report back, the feasibility and impact of extending the Residential Rental Unit Licence applicability beyond the current unit limit, to include the possible extension to all multi-unit residential dwellings of up to and including 4 storeys in height or less, and including those units contained in sub levels;

it being noted that this does not prevent the CPSC from considering additional motions around property standards compliance matters at a future meeting. (2023-C09) (4.2/2/CPSC)”

This information report is intended to provide background information regarding item a) of this motion, focusing on renovictions due to the urgency of that issue, and report out on the other matters such as extending rental licensing in a future report to CPSC as directed. The following sections provide the Ontario’s provincial policy context followed by a summary of research on policies established by several municipalities that are national leaders in addressing renovictions.

1.3 Provincial Policy Context: Renovictions & the Ontario Residential Tenancies Act

The process described below, whereby a landlord seeks to formally evict a tenant to renovate a vacated unit is a part of a phenomenon that is commonly referred to as ‘renoviction’. The term renoviction has been used in academic literature and the media to describe a wide range of eviction and displacement processes. Whether formal or informal, registered with the Landlord Tenant Board, or simply used as leverage, sometimes even used to describe a process that doesn’t involve renovations, this phenomenon is having a negative impact on tenants locally, nationally, and internationally, in many ways.

Broadly, the purposes of the Ontario Residential Tenancies Act (ORTA) are to *“...provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential Landlords and Tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.”*

The ORTA establishes a framework for the regulation of residential rentals to balance the tenant/landlord relationship. Specifically with regard to evictions for the purposes of “demolition, repair, or conversion” in Ontario, if a landlord requires vacant possession of a unit, they must provide a tenant(s) with a 120 day *“Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it, or Convert it to Another Use”*. This Notice is known as a “N13”. A N13, when applied formally, must also be accompanied by an *“Application to End a Tenancy and Evict a Tenant”* (Form L2).

If, after the landlord issues an N13 Notice a tenant does not indicate that they will be moving back into the unit once renovations are complete, the ORTA requires that:

- the landlord must either provide an amount equal to at least three months' rent or offer the tenant another rental unit that is acceptable to the tenant, if the residential complex has 5 or more units.
- the landlord must either provide at least one month's rent, or another acceptable unit, in buildings of 4 or less units.

Alternatively, if after receiving a N13 Notice the tenant indicates (in writing) their desire to return to the unit being renovated, the landlord is responsible for:

- providing at least three months' rent or offering the tenant another rental unit that is acceptable to the tenant where there are 5 or more units.
- providing at least one month's rent or another acceptable unit in buildings of 4 or less units.

As the Act requires, once the tenant returns, the landlord can only charge a (new) rent that is no more than what the landlord could have lawfully charged if there had been no interruption in the tenancy.

Proposed in 2023 but not yet enacted, Bill 97 sets out amendments to the Ontario Residential Tenancies Act which are intended to increase landlord responsibilities with respect to terminating a tenancy for a variety of reasons including repairs or renovations. These changes were proposed to help close some of the identified loopholes in the ORTA.

One substantial change was the requirement of a landlord - when issuing an N13 Notice - to provide a “...*report prepared by a person who has the prescribed qualifications which states the repairs or renovations are so extensive that they require the vacant possession*”. Failure to meet this reporting requirement renders the (N13) Notice void.”

Next, if a tenant has indicated in writing their wish to re-occupy the renovated unit, the Landlord is required to provide the tenant at least 60 days' notice to allow them to decide if they wish to come back to the newly renovated unit or terminate the tenancy and not return.

Bill 97 also introduced caveats around ‘bad faith’ evictions by way of an N12 Form: the “*Notice to End your Tenancy Because the Landlord, a Purchaser, or a Family Member Requires the Rental Unit*”. The proposed changes provide timelines for ‘reasonableness’ for the family member to move in and doubled N12 and N13 fines to \$100k for individuals and \$500k for corporations who do not follow all the Provincial processes and protocols. Noting, that N12 evictions are not renovation initiated, but they are often lumped in with public concerns over, and research under, the broader renoviction umbrella.

As discussed, the Ontario Residential Tenancies Act sets the parameters for the tenant/landlord relationship, provides tenant and landlord resources to help both parties understand and effectively use the rules, and has dispute resolution and adjudication powers when and where differences occur.

Notwithstanding all these rules and regulations set out in the ORTA, many organizations are pointing to ongoing problems within the system. The Executive Director of the Federation of Metro Tenants’ Associations, Geordie Dent, blames the Landlord Tenant Board’s lack of enforcement, and the fact that landlords are ignoring the rules, “...committing eviction fraud and jacking the rent”.^a

At the time of preparing this report, notwithstanding Bill 97 receiving Royal Assent on June 8, 2023, the Schedule that amends the *Residential Tenancies Act* has not been proclaimed by the province and is therefore not yet in force. This lack of proclamation means that despite Bill 97’s ideals, these protections are not part of the ORTA and therefore not yet *required* by the Landlord Tenant Board (LTB).

^a Beattie, S. (2023, March 1). These Hamilton Tenants fight to return to their affordable units after renoviction. CBC News. <https://www.cbc.ca/news/canada/hamilton/hamilton-tenants-affordable-units-1.6796324>

1.4 National Leaders in Renoviction Policy

New Westminster, British Columbia;

In 2016, the City of New Westminster staff were alerted to a small number of evictions taking place in buildings that were being renovated, which spurred them to develop a *Renovictions Action Plan* to stem the activity before it grew. The original plan:

- informed tenants of their Provincial rights using the City's website, creating standalone documents (tenant survival guide), participating in meetings, and public awareness;
- put staff in place to work with tenants directly, to determine if the necessary municipal building permits and provincial documents and approvals were in place once tenants had received an eviction notice;
- Using Stop Work Orders and penalties if/when the proper processes had not been followed;
- Partnering with non-profit organizations to hold information sessions about tenant rights and possible actions;
- Implementing a tracking and reporting mechanism for renovictions.

New Westminster did this even though renovictions and enforcing the Act were considered outside of their jurisdiction, and a matter of Provincial concern under the British Columbia Residential Tenancy Act (BCRTA). Unfortunately, these efforts were not enough and by the end of 2018, renovictions had escalated to approximately 300 incidents across fifteen buildings, using information collected through the tracking system.

Municipal staff, as well as outside agencies, began collaborating on possible solutions. In June 2019, New Westminster City Council amended their *Business Regulations and Licensing Bylaw* to add new regulations to dis-incentivize renovictions and protect tenants who may be at risk for renoviction. These regulations required landlords to make temporary housing arrangements for any tenants displaced due to renovations and to permit the tenant to continue their tenancy in the same unit, at the same rent during and after the renovations. The City also amended its municipal fine by-laws to add penalties to support enforcement of the new regulations.

Following adoption of these bylaw amendments, the City undertook a robust public awareness campaign with all affected parties. According to New Westminster, the decrease in the number of renovictions since the new regulations have been in place is dramatic. New Westminster is considered the first municipality in British Columbia to tackle the issue of renovictions through municipal regulation.

Burnaby, British Columbia

The City of Burnaby's *Tenant Assistance Policy* is considered the best set of tenant protection rules in the county^b. This policy provides four pillars of support for renters;

- i) help finding a new place to rent,
- ii) rent top-up payments to bridge the gap between the rent they paid for their old unit and what they'll pay for their interim housing,
- iii) financial support for moving, and

^b Doucet, B. (2024, January 18). Hamilton council passes a by-law to end renovictions, helping to address housing affordability. The Conversation. <https://theconversation.com/hamilton-council-passes-a-by-law-to-end-renovictions-helping-to-address-housing-affordability-220807>

- iv) the right to return to the redeveloped building at the same rent in a unit with the same number of bedrooms.

These supports apply to renters who are displaced due to renovation of *purpose-built market rental buildings with five or more units* ('apartments,' in London), or where their secondary market-rental buildings with less than five units are being redeveloped into a use that includes a new purpose-built apartment building. Burnaby runs a highly active Renter's Office consisting of 2-3 employees, one of which works full time on the implementation of the policy and tenant supports. This includes helping tenants at the BC landlord tenant tribunal. Burnaby does this despite the premise of BC Provincial jurisdiction.

Hamilton, Ontario

In January of 2024, the City of Hamilton received a proposed by-law that has been called the first of its kind in Ontario^c. Hamilton's "*Renovation Licence and Relocation By-law*" seeks to address the loophole in the current tenant/landlord relationship set out in the Ontario Residential Tenancies Act that puts the onus on tenants to maintain the relationship with their landlord if they wish to return to their renovated unit once completed^d.

The proposed Hamilton by-law will require landlords - who use an N13 eviction to gain vacant occupancy to renovate - to obtain a licence from the City of Hamilton. This ties the landlord and tenant together throughout the process of renovation and re-occupancy. This licensing system is meant to provide a clear, direct, and enforceable pathway of communication between the renovating landlord and the temporarily relocated tenant. A pathway already required by the ORTA, but that is often ignored and rarely enforced.

When the scale of renovations requires tenants to leave, the Hamilton by-law implements and enforces those rules laid out in the ORTA. In those instances of 'bad faith' evictions - where landlords use a renovation as a cover to force tenants out of their homes and raise the rent - Hamilton's new rules should provide enough disincentive and discouragement to hopefully stop the behavior before it starts,^e according to Professor Brian Doucet of the University of Waterloo, and discussions London Staff have had with the Canadian Centre for Housing Rights.

The City of Hamilton anticipates full approval of their by-law shortly following approval of their budget. Their timeline anticipates taking their first applications in January of 2025, using 2024 to recruit and prepare staff, develop information materials, prepare, and implement outreach programs and processes, and update their internal business systems including forms, payment portal, etc.

The proposed Hamilton By-law is attached to this report for information purposes, as Appendix 'A.'

1.5 Provincial Renovation Data

In January 2024, London Staff filed a Freedom of Information (FOI) request with Tribunals Ontario to obtain access to information regarding formal renovation data. At the time preparing this report, data had not yet been released to London, directly.

Data collected through a similar FOI request by the Association of Community Organizations for Reform Now (ACORN) and publicly reported indicates that there have

^c Vienneau, E. (2024, January 20) Hamilton City Council passes anti-renoviction by-law. CHCH. <https://www.chch.com/hamilton-city-council-passes-anti-renoviction-by-law/>

^d Doucet, B. (2024, January 18). Hamilton council passes a by-law to end renovictions, helping to address housing affordability. The Conversation. <https://theconversation.com/hamilton-council-passes-a-by-law-to-end-renovictions-helping-to-address-housing-affordability-220807>

^e Ibid.

been 4,067 N13s filed in Ontario between 2017 and 2021. This represents a 300% increase in N13s during that time period.^f

Consultation with City of Hamilton staff indicated that they had seen a similar trend with a 983 per cent increase in the number of N13 renovation notices issued to tenants between 2017 and 2022.^g

For additional context, according to the data released to ACORN through their FOI request, the instances of N12 evictions are also on the rise. As discussed, although an N12 eviction is not a formal renovation, it is often used to highlight the broader issues facing tenants. ACORN's data shows a 130 per cent increase in the number of N12s filed in London between 2017 and 2021, placing London fourth in the province for gross numbers of N12s issued over that time.

Research conducted by Professor Doucett & the Social Planning Network of Ontario has shown that formal evictions enforced by the courts (and therefore visible within conventional statistics) constitute only a small fraction of displacement experienced by tenants^h.

As Emil Pull of Malmo University in Sweden, indicates in his 2020 paper, "*Low and decreasing rates of evictions are consequently an inadequate measurement of how well the housing regime functions in providing housing for disenfranchised groups and could even be an indicator of a closed regime with high barriers to entry, shutting certain vulnerable groups out altogether.*"ⁱ

Therefore, when seeking evidence to underpin the volume of evictions and the effect they have on people and the market, the problem is not easily identifiable through statistics. Instead, the effects are most evident in methods of analysis that focus on lived experiences.^j As Doucett indicates, this methodology helps us to understand relationships that are not formalized and that are not necessarily using the provincially prescribed forms and mechanisms to enter in to, and end, a tenancy. A landlord's powers can be daunting when used against precariously housed individuals that feel they have no rights. When told to move out, they often do.^k

As Webber and Zigman indicate in their 2023 paper regarding renovations in Toronto, landlords rely on a set of legal and 'extra-legal' tactics to evict tenants. This includes offering buyouts, reducing general maintenance, firing on-site supervisors, and ignoring tenant repair requests. The tight housing market, informal eviction threats, harassment, intimidation, and disruptive behaviours that can be employed in the worst cases all add pressure to the situation.^l However, rarely do these 'extra-legal' tactics result in formal eviction notices and therefore measurable data is difficult to get and analyze.

^f ACORN Canada. February 28, 2024. Renovictions in Ontario. ACORN Canada.

<https://acorncanada.org/resources/renovictions-in-ontario/>

^g Beattie, S. 2024, January 18. Hamilton to become 1st Ontario city with bylaw to stop 'bad faith' renovations. CBC. [Hamilton to become 1st Ontario city with bylaw to stop 'bad faith' renovations | CBC News](https://www.cbc.com/news/canada-hamilton-renovation-bylaw-1.7048449)

^h Doucett, B. 2024, January 24. Hamilton council passes a bylaw to end renovations, helping to address housing affordability. Building. <https://building.ca/feature/hamilton-council-passes-a-bylaw-to-end-renovictions-helping-to-address-housing-affordability/>

ⁱ Pull, E. (2020). Displacement: structural evictions and alienation. ACME: An International E-Journal for Critical Geographies, 19(1), 364-373.

^j Doucett, B. The 'hidden' sides of transit-induced gentrification and displacement along Waterloo Region's LRT corridor, Geoforum, Volume 125, 2021, P. 37-46, <https://doi.org/10.1016/j.geoforum.2021.06.013>.

^k Ibid.

^l Webber, C, and Zigman, P. (2023, April) Renovictions: Displacement and Resistance in Toronto. RenovictionsTO.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjsiZSI9cmEAXWj_8kDHTdcC74QFnoECB4QAQ&url=https%3A%2F%2Frenovictionsto.com%2FrenovictionsTO-RenovictionsReport-Final.pdf&usq=AOvVaw3GX4T4BVdWgtlQZMNGix_L&opi=89978449. Accessed Feb. 20, 2024.

2.0 Discussion and Considerations

2.1 Various Eviction Justifications

As stated, ACORN's *Ontario Renoviction Report*, uses both N12 and N13 Notices to highlight the "Renoviction" issue, as is the case with several news agencies, notwithstanding the fact that an N12 is not necessarily tied to a renovation or demolition.

As discussed, renoviction is the common term used to describe what Pull (2020) more broadly calls structural evictions, and it is important to reiterate that there are a many forms of tenant displacement including formal, informal, familial, demolition, and renovation-instigated evictions.^m To the extent that tenants are forced to leave their homes, evictions cause financial suffering for many. While the formal process can be challenging to understand and navigate, the informal processes and practices used by some landlords provide even fewer protections and avenues of resistance than the ORTA provides, and less feelings of efficacy for the tenant.ⁿ

2.2 Why are renovictions occurring?

Renovictions and associated rising rental rates are very much part of a larger issue in Canada: the commodification of housing where individuals and more importantly investment companies deliberately use housing as a wealth-generating tool. As Doucet (2024) states, "There's a huge financial incentive to evict long-term tenants... in favour of higher-paying new tenants..."^o

According to ACORN Canada, Ontario is losing affordable housing too fast. There is little attention being paid to protect existing affordable housing and renovictions are a huge source of housing loss.^p

As discussed, the Ontario Residential Tenancy Act sets the rules for the landlord/tenant relationship in Ontario. According to those rules, landlords are required to File an L2 and accompanying N13 forms to end the tenancy because the landlord wants to demolish, repair, or convert the rental unit. When that happens, renters are to be compensated with funds and/or alternate (and adequate) units while the work is completed and have the option (at the beginning of the process) to indicate if they want to return to the premises at the same price they were paying.

However, as George & Knight (2022) state, there are several legal systems beyond the (Ontario) Landlord Tenant Board that play out in housing conflicts. These include property standards, police, child welfare, by-law enforcement, fire safety and electrical safety^q. For example, if a landlord is given an Order under any other Act, such as the Building Code Act, then the compensatory rules laid out in the ORTA would no longer be relevant. This could lead to landlords letting their buildings go to the point of being ordered to repair - under local by-laws – foregoing the protections within the ORTA, all the while collecting rent from the tenants because tenants have nowhere else to go in the tight local rental market.

Unfortunately, many people are unaware of their rights as tenants, and the administrative steps that go into maintaining that tenant/landlord relationship. Hamilton's proposed By-law, and the New Westminster and Burnaby examples summarized herein target specific loopholes or service gaps to ensure that their citizens are, at the very

^m Pull, E. (2020). Displacement: structural evictions and alienation. *ACME: An International E-Journal for Critical Geographies*, 19(1), 364-373.

ⁿ Ibid.

^o Doucet, B. 2024, January 24. Hamilton council passes a bylaw to end renovictions, helping to address housing affordability. Building. <https://building.ca/feature/hamilton-council-passes-a-bylaw-to-end-renovictions-helping-to-address-housing-affordability/>

^p ACORN Canada. February 28, 2024. Renovictions in Ontario. ACORN Canada. <https://acorncanada.org/resources/renovictions-in-ontario/>

^q George, H. and Knight, M. (2022, February 10), Social Development Centre Waterloo Region. Tenant Protection and Enforcement of Tenants Rights. <https://www.waterlooregion.org/tenant-protection-and-enforcement-of-tenants-rights>

least, aware of their rights. Directly aiding tenants in navigating the system in the BC examples, and licensing landlords making renovations that force displacement are examples of municipalities using their powers to address Provincial process gaps.

As Hamilton Councillor Narinder Nann stated in a 2024 Maclean's article, to make the problem worse, eviction is a growing reason people are now going sofa to sofa, living in tents, and living on the streets. There is a direct correlation between a person's housing precarity and their movement toward self-medicating with harmful substances. Nann points to the need to look at the interconnection of these issues, and we need (other levels of government) at the table to help municipalities contend with this issue.^r

And notwithstanding the rules set out by the ORTA, advocates indicate bad faith evictions are an easy way to get rid of a tenant and bring a new one in that will pay more. For example, from 2020 to 2023 there were a total of 13 fines issued by the Landlord Tenant Tribunal for bad faith evictions which totalled less than \$5,000 per landlord, far below the fine limits set out in the Act and Bill 97. These small penalties are considered the cost of doing business for landlords.^s

2.3 Are renovictions a problem in London?

The data in the following table was provided by ACORN Canada summarizing data collected through their Freedom of Information request from the province. This is the same data we are awaiting from the Landlord Tenant Board. This table illustrates that there were 153 N13s issued in London between 2017 and 2021 (5th most in Ontario).^t For reference, these are total numbers of N13s filed with the Landlord Tenant Board and not the total number of proposed renovation related evictions.

Top 10 Cities with the most N13s 2017-Aug 2023		
1	Toronto	950
2	Hamilton	337
3	Ottawa	184
4	Windsor	170
5	London	153
6	Kitchener	136
7	Brampton	112
8	Kingston	78
9	Mississauga	68
10	Barrie	58

Notwithstanding these numbers, it is difficult to measure the direct impact structural evictions have on average market rent, displacement, numbers of individuals and families precariously housed, or numbers entering the shelter system. We know that the average price of homes, and the average cost of rent in London has increased, with

^r Watson, H. G. 2024 February 1. Why this Ontario city is passing an anti-renoviction policy. Macleans. <https://macleans.ca/society/hamilton-renoviction-policy/>

^s Bowden, O., 2023 November 17. Only 4 of 13 landlords busted for bad faith evictions have paid the fines they owe | CBC News. [Only 4 of 13 landlords busted for bad faith evictions have paid the fines they owe | CBC News](https://www.cbc.com/news/canada/only-4-of-13-landlords-busted-for-bad-faith-evictions-have-paid-the-fines-they-owe-1.6848484)

^t ACORN Canada. February 28, 2024. Renovictions in Ontario. ACORN Canada. <https://acorncanada.org/resources/renovictions-in-ontario/>

average rents hitting all-time highs and vacancy rates hitting record lows as revealed in research published within our Short-term Accommodation Licensing reports to Council.

Neighbourhood Legal Services, a community based not-for-profit agency that provides legal services to low-income individuals indicated that they had tracked at least 453 incidents of N13s being issued in London, compared to the 153 reported by the data above.

3.0 Financial Impact/Considerations

Although there are no direct financial impacts or considerations stemming from this report, there is a significant cost to the municipality every time we lose an affordable unit, or the supply of affordable housing drops.

Replacing these units is costly from a financial standpoint, let alone the impact on the community from a health perspective. Within the City of London's "*Housing Sustainability for All Action Plan*", the "*Roadmap to 3,000 Affordable Units*" estimated a \$1 billion dollar cost to accomplish. And, developing an affordable rental apartment has been reported to cost \$350,000 - \$450,000 per unit, including hard and soft costs, fees, and taxes. It is important to consider the financial impact the loss of existing affordable units has on the overall system.

Once further solutions are proposed such as draft by-laws and programming, an analysis of associated costs will be provided.

4.0 Key Issues and Considerations

In summary, we are witnessing several forms of structural displacement in London, including but not limited to formal and informal, real and 'bad faith' evictions based on renovations but driven by the potential for increased profit. While this is not the typical behaviour for most London landlords, the renoviction phenomenon does draw attention to loopholes and shortfalls within the existing Provincial system and provides evidence as to why the City of London may consider exploring a renoviction and relocation style by-law similar to Hamilton's proposal.

It is important to emphasize that our focus is to provide background on how to potentially address "bad faith" evictions spurred by renovations. And although broad discussion is provided herein, it is done so for background and context regarding the general phenomenon. Our work at this stage is not focused on remedying other types of evictions.

In that regard, Civic Administration plan to submit a draft by-law to CPSC in Q2 2024. As part of the by-law development process, staff will engage with the Tenant Landlord Forum and continue to review Hamilton's approval and implementation process, as well as consult with other municipalities considering renoviction regulations and/or by-laws including Toronto, Mississauga, Waterloo, and Sudbury.

As noted throughout this report, there has been a data request made to Tribunals Ontario, as well as meetings and discussions held with BC and Ontario municipal staff in preparation of this research report. Informed by the national best practices highlighted herein, Civic Administration is committed to reporting out on other matters, such as expanded rental licensing, by Q3 2024.

Conclusion

The rental housing market is a vital housing option locally, provincially, nationally, and globally. Although there are numerous regulations addressing evictions and renovations that are sometimes considered beyond the scope of municipal power, there are also identified gaps in the enforcement of these regulations. These gaps have caused, and continue to cause, local governments to explore their place in enforcing these regulations to provide enhanced protection for local tenants.

While there are renovations occurring locally, the intent of any potential by-law would not be to stop necessary maintenance and upgrades to the existing rental housing stock; the intent would be to help protect tenants from bad faith renovations which have the consequence of displacing people and furthering the housing affordability crisis.

Informed by the national best practices highlighted in this report, Civic Administration plan to submit a draft by-law addressing renovations to CPSC in Q2 2024.

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Recommended by: **Scott Mathers, MPA, P.Eng.**
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Appendix 'A'

CITY OF HAMILTON - Renovation Licence and Relocation By-Law

WHEREAS section 8 of the *Municipal Act, 2001* states 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;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides a single-tier municipality with the broad authority to pass by-laws respecting (i) the economic, social, and environmental well-being of the municipality, (ii) the health, safety, and well-being of persons, (iii) the protection of persons and property and (iv) business licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence;
- (b) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (c) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (d) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and,
- (e) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

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

AND WHEREAS, in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, Council for the City of Hamilton is of the opinion that the delegation of the legislative powers under this by-law to the Director including, without limitation, the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of the geographic area and the time period affected by the exercise of the power;

AND WHEREAS subsection 39(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control.

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such considerations as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of a municipality has been complied with;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001* provides that municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and do work to correct the contravention;

AND WHEREAS the Province of Ontario has enacted the *Residential Tenancies Act, 2006* and such *Act* states that:

“The purposes of this Act are to provide protection for residential Tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential Landlords and Tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.”

AND WHEREAS pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, a Landlord shall serve a Tenant with a notice of termination of tenancy if the Landlord requires vacant possession of the rental unit for the purpose of performing repairs or renovations;

AND WHEREAS subsection 50(3) of the *Residential Tenancies Act, 2006*, requires that the notice of termination served pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, inform the Tenant that if they wish a right of first refusal to occupy the premises as a Tenant after the repairs or renovations are complete, they must give the Landlord notice of this fact before vacating the rental unit;

AND WHEREAS subsections 53(1) and 53(2) of the *Residential Tenancies Act, 2006* establish that a Tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*, may have a right of first refusal to occupy the rental unit as a Tenant when the repairs or renovations are complete at a rental rate that is no more than what the Landlord could have lawfully charged if there had been no interruption in the Tenant’s tenancy;

AND WHEREAS the City of Hamilton seeks to regulate by way of licensing, any Landlord who intends to perform repairs and renovations and serves a notice of termination pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006* in order to assist the Tenant in making an informed decision as to whether or not the Tenant should deliver a notice of their wish to occupy the rental unit after the repairs and renovations are complete prior to such Tenant vacating the premises;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART I – GENERAL AND INTERPRETATION

1. In this By-law;
 - (a) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
 - (b) a reference to any Act, by-law, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, by-law, rule or regulation or provision enacted in substitution therefor or amendment thereof;

- (c) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;
 - (d) words and abbreviations which have well-known technical, or trade meanings are used in the By-law in accordance with those recognized meanings; and
 - (e) where an officer of the City is named, or a reference is made to an officer of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.
2. This By-law shall apply to all Rental Housing Units within the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires.
3. This By-law shall not apply to:
- (a) a licensed hotel, motel, inn or bed and breakfast, tourist home, licensed lodging house, licensed short-term rental or licensed residential care facilities; and
 - (b) any building to which any of the following statutes, or their regulations, apply;
 - (i) the *Homes for Special Care Act*, R.S.O. 1990, c. H.12;
 - (ii) the *Innkeepers Act*, R.S.O. 1990, C. 17;
 - (iii) the *Long-Term, Care Homes Act, 2007*, S.O. 2007, c. 8;
 - (iv) the *Retirement Homes Act, 2010*, S.O. 2010, c.11;
 - (v) the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27; and
 - (vi) social housing or affordable housing that is not subject to *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, but which is subject to an agreement with the City, and which has been approved for exemption by the Director.
4. All licence fees and inspection fees related to this By-law shall be paid in accordance with the City's User Fees and Charges By-law No. 19-160, and such licence fees and inspection fees paid shall be non-refundable.

Definitions

5. In this By-law:

"Administrative Penalty" means any administrative fee pursuant to the City's Administrative Penalties By-law 17-225;

"Average Market Rent" means rent at average market rent as published annually by the Canada Mortgage and Housing Corporation (CMHC) based on number of bedrooms in a Rental Housing Unit;

"By-law" means this By-law;

"Chief Building Official" means the Chief Building Official as appointed by Council pursuant to the *Building Code Act, 1992*, S.O. 1992, c.23, or their designate, and may include building inspectors for the purpose of doing inspections as contemplated under this By-law;

"City" means the municipality of the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

"Council" means the Council of the City of Hamilton;

"Director" means the City's Director of Licensing and By-law Services, or their designate;

"Fire Chief" means the City of Hamilton Chief of the Hamilton Fire Department, or their designate;

"Landlord" includes:

- (a) the owner of a Residential Housing Unit or any other person who permits occupancy of a Rental Housing Unit, other than a Tenant who occupies a Rental Housing Unit in a Residential Complex and who permits another person to occupy the Rental Housing Unit or any part thereof;
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a); and
- (c) a person, other than a Tenant occupying a Rental Housing Unit in a Residential Complex, who is entitled to possession of the Residential Complex and who attempts to enforce any of the rights of a Landlord under a tenancy agreement or the *Residential Tenancies Act 2006*, including the right to collect rent;

"Licensee" means any Person licensed under this By-law;

"Medical Officer of Health" means the Medical Officer of Health for the Hamilton Health Unit and includes public health inspectors;

"Municipal Act, 2001" means the *Municipal Act, 2001*, S.O. 2001, c.25;

“Municipal Law Enforcement Officer” means an employee of the Licensing and By-law Services Division of the City of Hamilton who is appointed by Council to enforce the provisions of this By-law;

“Officer” shall include a Municipal Law Enforcement Officer, Medical Officer of Health, Fire Chief, Chief Building Official, a Hamilton Police Services police officer, or any other person appointed under the authority of a municipal by-law or by Council to enforce City by-laws;

“Operator” means the superintendent or property manager or any other person who may take on some or all of the roles relating to permitting occupancy in a Rental Housing Unit, but does not include an Owner;

“Owner” means any person or persons who have any legal right, title, estate or interest in a Rental Housing Unit and shall include, but is not limited to, a Landlord, lessors, sublessor or other person permitting the occupation of a Rental Housing Unit, their agents, heirs, personal representatives and successors in title;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, party or body corporate, and the personal or other legal representatives of a person to whom the context can apply according to the law;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c.P33;

“Rental Housing Unit” means a building or part of a building: (i) consisting of one or more rooms; (ii) containing toilet and cooking facilities; (iii) designed for use as a single housekeeping establishment; and (iv) used or intended for use as a rented residential premise;

“Residential Complex” means a building or related group of buildings in which one or more Rental Housing Units are located and includes all common areas and services and facilities available for the use of its residents;

“Residential Tenancies Act, 2006” means *the Residential Tenancies Act, 2006*, S.O. 2006 c.17;

“Tenant” includes a person who pays rent in return for the right to occupy the Rental Housing Unit and includes their heirs, assigns and personal representatives, but does not include a person who has the right to occupy a rental unit by virtue of being an Owner of the Residential Complex in which the Rental Housing Unit is located or a shareholder of a corporation that owns the Residential Complex; and

“Tenant Rights and Entitlements Package” means an information package produced by the City to inform Tenants about their rights & entitlements under the *Residential Tenancies Act, 2006*, and this By-law.

6. A term not defined in section 5 of this By-law shall have the same meaning as the term in the *Building Code Act, 1992*, S.O. 1992, c.23 or the City’s

PART II- LICENCE REQUIRED FOR REPAIRS AND RENOVATIONS TO RENTAL HOUSING UNITS THAT REQUIRE VACANT POSSESSION

7. A Landlord or Operator who has delivered a notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006* to a Tenant in order to perform repairs or renovations which require vacant possession of a Rental Housing Unit shall, within seven (7) days of serving the notice of termination pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, submit an application for a licence issued by the Director in accordance with the provisions of this By-law.
8. A Landlord or Operator who fails to submit an application for a licence pursuant to section 7 of this By-law is guilty of an offence and is subject to a penalty in the amount prescribed in this By-law for each day that the Landlord or Operator fails to comply with section 7 of this By-law.

PART III – PROHIBITIONS

9. No Landlord or Operator shall perform, or cause to be performed, renovations or repairs requiring vacant possession of the Rental Housing Unit pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, without first being issued a licence as required pursuant to this By-law.
10. No Landlord or Operator shall be issued a licence as required pursuant to this By-law without first being issued all permits required to carry out the repairs or renovations requiring vacant possession of the Rental Housing Unit pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.
11. No Landlord or Operator who received notice from a Tenant of their wish to have a right of first refusal pursuant to section 53 of the *Residential Tenancies Act, 2006*, shall be issued a licence under this By-law without first making arrangements with the Tenant in accordance with section 25 of this By-law, unless otherwise exempted in accordance with section 28 of this By-law.
12. No Landlord or Operator who has obtained a licence under this By-law shall fail to adhere to the arrangements made with the Tenant pursuant to this By-law.
13. No Landlord or Operator who has obtained a licence under this By-law shall prevent a Tenant who has informed the Landlord or Operator in writing of their wish to exercise their right of first refusal, pursuant to subsection 53(2) of

the *Residential Tenancies Act, 2006*, from reoccupying the Rental Housing Unit upon the completion of repairs or renovations at a rent that is no more than what the Landlord or Operator could have lawfully charged if there had been no interruption in the Tenant's tenancy.

14. No Landlord or Operator who has obtained a licence under this By-law shall advertise, or cause to be advertised, a renovated or repaired Rental Housing Unit for rent if the Tenant of that Rental Housing Unit has informed the Landlord or Operator in writing of their wish to exercise their right of first refusal, pursuant to subsection 53(2) of the *Residential Tenancies Act, 2006*, unless:
 - (a) the Tenant informs the Landlord or Operator, in writing, that the Tenant no longer wishes to exercise their right of first refusal to reoccupy the Rental Housing Unit; or,
 - (b) the Landlord (i) gave the Tenant sixty (60) days after the Rental Housing Unit was ready for occupancy to exercise their right of first refusal to occupy the Rental housing Unit and thereafter (ii) the Tenant chose not to exercise their right of first refusal within that sixty (60) day period.
15. No Landlord or Operator shall hold themselves out to be licensed under this By-law if they are not licensed.
16. No Landlord or Operator shall contravene or fail to comply with any of the terms and conditions of their licence issued under this By-law.
17. No Landlord or Operator shall transfer or assign a licence issued under this By-law.
18. No Person shall provide false or misleading information to the Director when applying for or renewing a licence under this By-law.
19. No Person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under this By-law.
20. Any Person who provides false or misleading information to the Director shall be deemed to have hindered or obstructed an Officer in the execution of their duties.

PART IV - APPLICATION FOR AND RENEWAL OF LICENCE

Application for a Licence

Prior to submitting an application for a licence under this By-law, the Landlord or Operator shall provide a copy of the City's Tenant Rights and Entitlements Package to all Tenants who received a notice pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*.

21. Every Landlord or Operator applying for a licence as required pursuant to section 7 of this By- law shall provide the following information and materials in support of the application for a licence:
- (a) the Landlord's name and contact information, including a mailing address, email address and telephone number;
 - (b) if there is an Operator of the Residential Complex, the Operator's name and contact information, including a mailing address, email address and telephone number;
 - (c) full description of the Residential Complex, including street address, number of Rental Housing Units, number of rooms within the Rental Housing Units, number of tenanted Rental Housing Units, rental rates for each of the tenanted Rental Housing Units and the commencement date and term of the tenancy agreement for each tenanted Rental Housing Unit at the time of submitting the application for a licence;
 - (d) a copy of the notice of termination served on the Tenant pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*;
 - (e) a copy of the building permit issued to the Landlord or Operator by the Chief Building Official and any other permit required to carry out the repairs or renovations;
 - (f) certification from the Landlord or Operator that the Landlord or Operator has provided a copy of the Tenant's Rights and Entitlements Package to all Tenants who received a notice pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*;
 - (g) a copy of a report prepared by a professionally designated engineer or other person with the requisite qualification stating that the repairs or renovations are so extensive that they require vacant possession of the Rental Housing Unit; and,
 - (h) any other information as may be required by the Director.

Notice of Application

22. Within five (5) days of submitting the application for a licence under this By-law, the Landlord or Operator shall provide notice of the application submitted to the City, pursuant to this By-law, to all Tenants who received a notice of termination pursuant to section 50(1)(c) of the *Residential Tenancies Act, 2006*.
23. Where a Residential Complex has more than one (1) tenanted Rental

Housing Unit, within five (5) days of submitting an application for a licence to the City pursuant to this By-law, the Landlord or Operator shall post the notice in location on the premises, so as to be clearly visible to all residents of the premises until such time that a licence has been issued or the application for a licence has been withdrawn or revoked.

PART V – TEMPORARY ALTERNATE ACCOMMODATION

Temporary Alternate Accommodation Required

24. Where a Tenant has notified their Landlord or Operator of their wish to have a right of first refusal pursuant to section 53 of the *Residential Tenancies Act, 2006*, the Landlord or Operator shall within one-hundred and twenty (120) days of the Landlord or Operator serving the notice on the Tenant requiring vacant possession of the Rental Housing Unit, or before the date on which the Tenant notifies the Landlord of its intention to vacate the Rental Housing Unit, whichever is earlier:
- (a) make arrangements with the Tenant:
 - (i) for the Tenant's temporary alternate accommodation that is comparable to the Tenant's current Rental Housing Unit during the period of repair or renovation; or
 - (ii) to provide the Tenant with compensation in an amount equal to the difference between the rent rate currently paid by the Tenant for the Rental Housing Unit being repaired or renovated (including utilities, only if utilities were included in the tenancy agreement with the Tenant of that Rental Housing Unit) and the Average Market Rent of a Rental Housing Unit with the same number of bedrooms as the Tenant's current Rental Housing Unit, within seven (7) calendar days before the first (1st) day of each month during the period of repair or renovation; and
 - (b) make arrangements for the Tenant's return to the Rental Housing Unit after completion of the repairs and renovations at a rent that is no more than what the Landlord or Operator may have lawfully charged if there had been no interruption to the Tenant's tenancy.
25. The Landlord or Operator shall provide to the Director the particulars of the arrangements made with the Tenant forthwith after such arrangements have been made pursuant to section 25 of this By-law.

26. Comparable, for the purposes of section 25 of this By-law includes, but is not limited to, consideration of the following factors:
- (a) the rental rate for the unit is equal or less than the rent for the Rental Housing Unit being repaired or renovated;
 - (b) proximity between existing and proposed transportation options, including transit service;
 - (c) relative proximity to community infrastructure such as, recreational facilities, libraries, police stations, schools and places of religious assembly;
 - (d) relative proximity to commercial services and amenities;
 - (e) number of bedrooms; and
 - (f) size of proposed temporary alternate accommodation.

Application for Exemption

27. A Landlord or Operator who is subject to the provisions of section 25 of this By-law may apply to the Director for an exemption from the provisions of that section, on the grounds that the Landlord or Operator was unable to make the required arrangements within the specified time period in accordance with section 25 of this By-law.
28. A Landlord or Operator who has made an application for exemption under section 28 of this By-law shall submit to the Director the following information and documentation in support of the application for exemption:
- (a) an explanation for the reason that the Landlord or Operator was unable to make the required arrangements within the specified time period in accordance with section 25 of this By-law;
 - (b) documentation disclosing all proposed temporary alternate accommodations proposed by the Landlord, Operator or Tenant as required pursuant to subsection 25(a)(i) of this By-law, as applicable;
 - (c) copies of all correspondence between the Landlord, Operator and Tenant regarding the proposed temporary alternate accommodations referred to in subsection 29(b), as applicable;
 - (d) copies of all correspondence between the Landlord, Operator and Tenant, and any other related documentation, pertaining to the proposed arrangements to provide the Tenant with compensation in an

amount equal to the difference between the rent rate currently paid by the Tenant for the Rental Housing Unit being repaired or renovated (including utilities, only if utilities were included in the tenancy agreement with the Tenant of that Rental Housing Unit) and the Average Market Rent of a Rental Housing Unit with the same number of bedrooms as the Tenant's current Rental Housing Unit as required pursuant to subsection 25(a)(ii) of this By-law, as applicable; and

- (e) any other information or documentation as required by the Director to assist in determining whether an exemption under this By-law should be granted.

- 29. The Director may, in approving an application for exemption pursuant to this By-law, impose conditions on both the Tenant and the Landlord.

PART VI- POWERS OF THE DIRECTOR AND ISSUANCE OF LICENCE

- 30. Notwithstanding any other provision in this By-law, the power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to revoke a licence, and to impose terms and conditions, including special conditions on a licence are delegated to the Director.
- 31. The Director shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 32. The Director may refuse to issue, refuse to renew, or revoke a licence, or impose a term or condition on a licence on the following grounds:
 - (a) there are reasonable grounds to believe that any or all material or information submitted in support of an application for a licence pursuant to section 22 of this By-law or an application for exemption pursuant to section 29 of this By-law or any other documents provided to the Director by the Landlord or Operator as required pursuant to this By-law contain a false or misleading statement;
 - (b) the Residential Complex and/or any Rental Housing Unit in the Residential Complex is subject to an order, or orders, made pursuant to any governmental authority;
 - (c) a Landlord or Operator does not meet all of the requirements, terms or conditions of this By-law.
- 33. A licence issued under this By-law shall be posted in location on the premises, so as to be clearly visible to all residents of the premises for the duration of the licence period.

34. A licence issued under this By-law shall only be valid for the repairs or renovations of the Rental Housing Unit as provided for in the application for licence referred to in this By-law.
35. A licence issued under this By-law shall be valid for either the period of one (1) year or the estimated date by which the Rental Housing Unit is expected to be ready for occupancy following the repairs or renovations, whichever is earlier.
36. A licence, in accordance with the provisions of this By-law, shall be required for each Rental Housing Unit and/or each Residential Complex for which a building permit is issued.
37. The Director may reject an application for a licence or its renewal where any of the documents required by this By-law in support of such application are incomplete or have not been filed.
38. Notwithstanding any other provision in this By-law, the Director may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence including special conditions, as are necessary in the opinion of the Director to give effect to this By-law.

PART VII – ADMINISTRATION AND ENFORCEMENT

39. The Director is authorized to administer and enforce this By-law including, but not limited to, prescribing the format and content of any forms or other documents required under this By-law.
40. Registration and other fees under this By-law shall be as approved by Council from time to time and then included in the User Fees and Charges By-law No. 23-112.
41. An Officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) this By-law;
 - (b) a direction or order made under this By-law; or
 - (c) an order made under section 431 of the *Municipal Act, 2001*.
42. An Officer may, for the purposes of any inspection carried out under section 42 of this By-law:
 - (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 purpose of making copies or extracts;
 - (c) require information in writing or otherwise as required by the Officer from any person concerning a matter related to the inspection; or
 - (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.
43. Any cost incurred by the City in exercising its authority to inspect under section 42 of this By-law including, but not limited to, the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner of the property where the inspection takes place.
44. An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where they have been prevented or are likely to be prevented from carrying out an inspection pursuant to section 42 of this By-law.
45. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred to discontinue the contravening activity.
46. An order under section 46 of this By-law shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and,
 - (b) the date or dates by which there must be compliance with the order.
47. An order to discontinue any contravening activity made under section 46 of this By-law may be served personally or by registered mail to the last known address of:
- (a) the owner of the property where the contravention occurred; and
 - (b) such other persons affected by the order as the Officer making the order determines.
48. Service by registered mail, for the purposes of section 48 of this By-law, shall be deemed to have taken place five (5) business days after the date of mailing.
49. In addition to service given in accordance with section 48 of this By-law, an

order to discontinue any contravening activity made under section 46 of this By-law may be served by an Officer by placing a placard containing the order in a conspicuous place on the property where the contravention occurred.

50. Where service cannot be given in accordance with section 48 of this By-law, service is deemed to have taken place when given in accordance with section 50 of this By-law.
51. Where a Person does not comply with a direction, an order or a requirement under this By-law to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction, order or requirement at the Person's expense.
52. The City may recover the costs of doing a matter or thing under section 52 of this By-law by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent per year commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
53. The Director is authorized to give immediate effect to any direction, order or requirement where the costs of carrying out the direction, order or requirement do not exceed \$30,000 and, where the costs do exceed \$30,000, as the City's Council may authorize.
54. Every person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly permits a contravention of this By-law is, upon conviction, guilty of an offence and is liable:
 - (a) on a first conviction, to a fine of not more than \$10,000; and
 - (b) on any subsequent conviction, to a fine of not more than \$25,000.
55. Despite section 55 of this By-law, where the person convicted is a corporation:
 - (a) the maximum fine in subsection 55 is \$50,000; and
 - (b) the maximum fine in subsection 55 is \$100,000.
56. Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

PASSED this XX day of January, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk