

Bill No. 320  
2024

By-law No. \_\_\_\_\_

A by-law to amend the Business Licensing By-law L.-131-16, with respect to a Rental Unit Repair Licence for Landlords performing renovations or repairs on rental housing units requiring vacant possession.

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 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

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 the businesses in that class 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*, the Council for the City of London is of the opinion that the delegation of the legislative powers under this by-law to the Licence Manager 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 37(1) of the *Residential Tenancies Act, 2006*, a tenancy may be terminated only in accordance with that Act.

AND WHEREAS pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, a Landlord may give notice of termination of a tenancy if the landlord requires possession of the rental unit in order to demolish it, convert it to use for a purpose other than residential premises or do repairs or renovations to it that are so extensive that they require a building permit and vacant possession of the rental unit.

AND WHEREAS subsection 50(3) of the *Residential Tenancies Act, 2006*, requires that the notice of termination given pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*, shall inform the tenant that if they wish a right of first refusal to occupy the premises after the repairs or renovations, they must give the Landlord notice of this in accordance with Subsection 53(2) before vacating the rental unit;

AND WHEREAS subsections 53(1), 53(2), and 53(3) 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*, and that gives the landlord written notice of their intent to occupy the rental unit as a tenant when the repairs or renovations are complete, may reoccupy the rental unit at a rent 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 London seeks to regulate, by way of licensing, any landlord who intends to do repairs or renovations to a rental unit that are so extensive that they require vacant possession of the unit;

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

1. By-law L.-131-16 is amended by adding a new Schedule attached to this by-law as Schedule 23, following Schedule 22.

2. This by-law shall come into force and effect on March 1, 2025 subject to the provisions of PART VI.1 of the Municipal Act, 2001.

PASSED in Open Council on September 24, 2024, subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – September 24, 2024  
Second Reading – September 24, 2024  
Third Reading – September 24, 2024

## **SCHEDULE 23**

### **Rental Unit Repair Licence**

#### **1.0 DEFINITIONS**

1.1 For the purposes of this Schedule:

**“Landlord”** includes:

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

**“N13 Notice”** means a notice of termination of a tenancy pursuant to subsection 50(1)(c) of the *Residential Tenancies Act, 2006*.

**“Qualified Professional”** includes an architect licensed by the Ontario Association of Architects or an Engineer licensed by the Professional Engineers of Ontario (PEO).

**“Rental Unit”** means a building or part of a building;

- (a) consisting of one or more rooms,
- (b) containing a toilet and cooking facilities,
- (c) designed for use as a single housekeeping establishment, and
- (d) used or intended for use as a rented residential premises.

**“Residential Tenancies Act”** means the *Residential Tenancies Act, 2006, S.O. 2006 c.17*; as amended from time to time.

**“Tenant”** includes a person who pays rent in return for the right to occupy a Rental Unit and includes the Tenant’s heirs, assigns, and personal representatives.

**“Tenant Information Package”** means a document produced by the City which provides information to Tenants about their rights and entitlements under the *Residential Tenancies Act, 2006*, and this Schedule of the Business Licensing By-law.

#### **2.0 POWERS OF THE LICENCE MANAGER**

2.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may, under this Schedule:

- (a) prescribe the form and content of the Tenant Information Package;
- (b) prescribe the form and content of the report prepared by a Qualified Professional that shall accompany a licence application;
- (c) prescribe the form and content of the Notice of Application referred to in section 5.7, and the way it shall be posted, and;
- (d) prescribe the form and content of the Licence required by this Schedule, and the way it shall be posted, as required in section 5.8.

#### **3.0 ADMINISTRATION OF THE BY-LAW**

3.0 This By-law shall apply to all Rental Units within the Municipality for which an N13 Notice has been given to a Tenant on or after the date this by-law comes into force.

3.1 This By-law shall not apply to any of the following:

- (a) a hotel, motel, inn, bed and breakfast, or tourist home;

- (b) a Lodging House, Short-Term Accommodation with a valid City of London Business Licence, or an Informal Residential Care Facility with a valid City of London Business Licence;
- (c) 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 *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1;
  - (iv) the *Retirement Homes Act, 2010*, S.O. 2010, c.11;
  - (v) the *Housing Services Act, 2011*, S.O. 2011, c. 6, Sched. 1;
  - (vi) social housing or affordable housing that is not subject to the *Housing Services Act, 2011*, but which is subject to an agreement with the City, and which has been approved for exemption by the Licence Manager.

## **4.0 APPLICATION FOR LICENCE AND RENEWAL**

### **4.1 Complete Application Required**

In addition to all the requirements for an application set out in this By-law, an Applicant applying for a Rental Unit Repair Licence, or renewing a Rental Unit Repair Licence, shall include all the following in their application:

- (a) the address and unit number of the Rental Unit for which the application is being made;
- (b) a copy of the N13 Notice given to each individual Tenant for the Rental Unit;
- (c) an affidavit from the person who gave the N13 Notice to the Tenant, which sets out the date the N13 Notice was given to the Tenant, the manner it was given to the Tenant, and by whom;
- (d) an affidavit from the person who gave the Tenant the Tenant Information Package, setting out the date the Tenant Information Package was given to the Tenant, the manner it was given to the Tenant, and by whom;
- (e) a copy of the residential tenancy agreement for the Rental Unit;
- (f) a copy of the written notice (where applicable) from the Tenant indicating they wish to exercise their right of first refusal to reoccupy the rental unit following the renovations, pursuant to subsection 53(2) of the *Residential Tenancies Act*;
- (g) a copy of a report prepared, stamped, and certified by a Qualified Professional that states that repairs or renovations to each individual Rental Unit are so extensive that they require vacant possession of the Rental Unit and that includes all other information prescribed by the Licence Manager;
- (h) a copy of the building permit issued by the Chief Building Official for the City of London with respect to the repair or renovation of the Rental Unit;
- (i) any other information, affidavits, or documents as the Licence Manager may require.

### **4.2 Licence Renewal – Five (5) Business Days**

An application to renew a Rental Unit Repair Licence must be submitted to the Licence Manager in the prescribed form no less than five (5) business days prior to the expiration of the previous Rental Unit Repair Licence.

### **4.3 Licence Renewal – Evidence Required**

To apply to renew a Rental Unit Repair Licence, the Licensee must provide, along with all documents required for a complete application, evidence as to the reason the repairs or renovations have not been completed. This evidence shall be provided for each Licence for which renewal is sought, to the satisfaction of the Licence Manager. This must be done each time a renewal application is made.

#### **4.4 Licence Renewal Not Required**

An application for renewal of a Rental Unit Repair Licence is not required where a Landlord provides evidence to the satisfaction of the Licence Manager that one of the following has occurred;

- (a) the repairs or renovations to the Rental Unit have been completed, and the Tenant has moved back into their Rental Unit;
- (b) the Tenant did not provide written notice to the Landlord regarding their right of first refusal prior to vacating the Rental Unit;
- (c) the Tenant has not informed the Landlord in writing of a change of address since vacating the unit and therefore cannot be notified that the rental unit is ready for occupancy;
- (d) that a minimum of sixty (60) days has passed since the Landlord notified the Tenant that the unit was ready for occupancy and the Tenant has not responded regarding their intent to re-occupy the unit.

### **5.0 REGULATIONS**

#### **5.1 Tenant Information Package**

A Landlord who gives an N13 Notice to a Tenant shall at the same time provide the Tenant a copy of the Tenant Information Package.

#### **5.2 Application within Seven Days**

A Landlord who gives an N13 Notice to a Tenant shall, within seven (7) calendar days of giving the N13 Notice, apply for a Rental Unit Repair Licence to the City of London pursuant to the requirements of this By-law.

#### **5.3 One Licence per Rental Unit**

A Landlord shall apply for a Rental Unit Repair Licence for each Rental Unit that requires a Tenant to be evicted for extensive repairs or renovations under Subsection 50(1)(c) of the *Residential Tenancies Act*.

#### **5.4 Licence Specific to a Single Unit**

A Rental Unit Repair Licence shall be specific to a single Rental Unit and shall apply only to the Rental Unit for which it was issued. The Rental Unit Repair Licence shall set out on its face the Rental Unit for which it was issued.

#### **5.5 Building Permit Required**

A Landlord shall not be entitled to a Rental Unit Repair Licence if they do not have all necessary permits required to carry out the repair or renovation, including a building permit under the *Building Code Act, 1992*. An Application for a Rental Unit Repair Licence shall not be accepted unless a building permit for the renovation or repair of the Rental Unit issued by the Chief Building Official for the City of London is included with the application.

#### **5.6 Compliance with By-law**

A Landlord shall not be entitled to a Rental Unit Repair Licence if they do not comply with this By-law and Schedule and shall not be issued a Rental Unit Repair Licence if they do not comply with this By-law and Schedule.

#### **5.7 Notice of Application – Posted**

Where the Landlord has given an N13 Notice to a Tenant, and the property or premises has more than one Rental Unit, the Landlord shall post a notice of application stating that an application has been made to the City of London for a Rental Unit Repair Licence. This notice shall include a list of all the unit numbers subject to application until such time as the Licences are issued, the applications are withdrawn, or they are refused. This notice shall be posted on the site of the proposed renovation in a location visible to all the Tenants of the premises, to the satisfaction of the Licence Manager. Multiple notices may be required, depending on entries and common areas.

### **5.8 Rental Unit Repair Licence – Posted**

If a Rental Unit Repair Licence is issued by the City of London, the Landlord shall post a copy of the Licence on the door of the unit where the repair is taking place, or on the exterior of the building where the unit is being renovated, to the satisfaction of the of the Licence Manager, until such time as the unit is repaired.

### **5.9 Licence Expiration**

A licence issued under this By-law shall be valid for a period of one hundred and eighty (180) days from the date of issuance. If after 180 days the Rental Unit is not ready for occupancy, the licence expires. The Landlord may apply for a licence renewal in accordance with Section 4.0 of this By-law.

## **6.0 PROHIBITIONS**

### **6.1 Failure to give Tenant Information Package**

No Landlord who gives an N13 Notice to a Tenant shall fail to give the Tenant, at the same time, a copy of the Tenant Information Package.

### **6.2 Failure to Apply for Licence Within Seven Days**

No Landlord shall fail to submit a complete application to the City of London for a Rental Unit Repair Licence within seven (7) calendar days of giving an N13 Notice to a Tenant for a Rental Unit.

### **6.3 Renovations Without a Licence – Landlord**

No Landlord shall perform, or cause to be performed, renovations or repairs to a Rental Unit which requires vacant occupancy unless the Landlord holds a Rental Unit Repair Licence for that Rental Unit.

### **6.4 Renovations Without a Licence – Person**

No person shall perform, or cause to be performed, renovations or repairs to a Rental Unit which requires vacant occupancy unless the person first confirms that the Landlord holds a Rental Unit Repair Licence for that Rental Unit.

### **6.5 Failure to Comply with Licence Conditions**

No Landlord who holds a Rental Unit Repair Licence shall fail to comply with the conditions of the issued Licence.

### **6.6 Failure to Post Notice of Application**

No Landlord shall fail to post a notice of application as per section 5.7 of this Schedule.

### **6.7 Failure to Post Licence**

No Landlord shall fail to post a copy of the Rental Unit Repair Licence as per section 5.8 of this Schedule.

### **6.8 Advertise or Permit Occupancy of a Rental Unit Intended to be Re-Occupied**

No person shall advertise, or cause to be advertised, or permit the occupancy of, a Rental Unit where a Tenant maintains their right of first refusal under the *Residential Tenancies Act*.