

Bill No. 345  
2011

By-law No. CP-19-

A By-law to amend By-law No. CP-19 entitled, "A by-law to provide for the licensing and regulation of Residential Rental Units in the City of London."

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

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 powers under the *Municipal Act, 2001* or any other Act;

AND WHEREAS the Municipal Council passed By-law No. A.-6653-121 being the Hearings Officer By-law;

AND WHEREAS the Municipal Council desires to amend By-law No. CP-19 being the Residential Rental Housing Units By-law to provide for appeals before a Hearings Officer;

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

1. The Residential Rental Housing Units By-law CP-19 is hereby amended by adding a new recital under the eighth recital as follows:

"AND WHEREAS Council for the City of London is of the opinion that the delegation of legislative powers under this by-law to the Licence Manager and the Hearings Officer including without limitation to 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 geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;"

2. The Residential Rental Housing Units By-law CP-19 is hereby amended by deleting the following from section 1.1:

*"Hearings Committee" means a person or body that has been delegated the power or duty to hold a hearing or provide an opportunity to be heard for the purpose of this By-law;"*

And replacing it with the following:

*"Hearings Officer" means a Hearings Officer appointed under the City's Hearings Officer By-law A.-6653-121, as amended;"*

3. The Residential Rental Housing Units By-law CP-19 is hereby amended by deleting section 7.6(d) and replacing it with a new section 7.6(d) as follows:

"(d) state that the Applicant or Licencee is entitled to request a hearing by a Hearings Officer if the Applicant or Licencee files with the City Clerk a notice of appeal in writing and the appeal fee as set out in this By-law within ten (10) days after the notice in subsection 7.5 is served. The notice of appeal must comply with the requirements as set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121, as amended."

4. The Residential Rental Housing Units By-law CP-19 is hereby amended by deleting Part 8 in its entirety and replacing it with a new Part 8 as follows:

## **"8.0 HEARINGS BEFORE THE HEARINGS OFFICER**

8.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.

8.2 The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, apply to all hearings conducted by a Hearings Officer.

8.3 The Hearings Officer may uphold or vary the decision of the Licence Manager or make any decision that the Licence Manager was entitled to make in the first instance.

8.4 The decision of the Hearings Officer is final.”

5. This by-law comes into force and effect on September 19, 2011.

PASSED in Open Council on August 29, 2011.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – August 29, 2011  
Second Reading – August 29, 2011  
Third Reading – August 29, 2011