



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Office Consolidation

Vital Services By-law 68-2018

To require adequate and suitable vital services for rental units
and to repeal By-law 240-92, as amended

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS for the purposes of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that the powers delegated pursuant to this By-law are of a minor nature;

AND WHEREAS Council wishes to repeal By-law 240-92;

NOW THEREFORE the Council of The Corporation of the City of Brampton
ENACTS AS FOLLOWS:

PART 1 – TITLE, INTERPRETATION AND SEVERABILITY

1. This by-law may be referred to as the "Vital Services By-law".
2. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (2) Wherever a word defined in Part II of this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.

- (3) All words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
3. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART II – DEFINITIONS

4. For the purposes of this By-law,

"adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls in all habitable space and in any area intended for normal use by tenants, including recreation rooms and laundry rooms but excluding locker rooms and garages;

"adequate and suitable supply of hot water" means a supply of hot water at the ordinary temperature of at least forty-nine (49) degrees Celsius in a quantity of at least one hundred sixty-five (165) litres for fifteen (15) minutes with a minimum recovery rate for the temperature of forty-five (45) litres per hour;

"adequate and suitable supply of water" means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities;

"By-law" means this By-law;

"City" means The Corporation of the City of Brampton;

"Council" means the Council of The Corporation of the City of Brampton;

"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 this Act, including the right to collect rent;

"Person", or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or an individual in his or her capacity as a trustee, executor, administrator or other legal representative;

"Rental Unit" means any living accommodation used or intended for use as rented residential premises, and "rental unit" includes,

- (a) a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and

- (b) a room in a boarding house, rooming house or lodging house and a unit in a care home;

"Vital Service" means hot or cold water, fuel, electricity, gas or heat; and

"Municipal Law Enforcement Officer" means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City.

PART III – REQUIREMENTS OF LANDLORDS

- 5. Every Landlord shall provide Vital Services for Rental Units, as provided for in this By-law.
- 6. Every landlord shall ensure that:
 - (1) each Rental Unit is provided with Adequate and Suitable Heat between the 15th day of September in each year and the first day of June of the following year, or as ordered by the Director of Enforcement and By-law Services pursuant to Section 15 of this By-law and posted on the City of Brampton website;
 - (2) there is heating equipment or a heating system capable of maintaining Adequate and Suitable Heat that supplies each Rental Unit;
 - (3) each Rental Unit is not equipped with auxiliary heating equipment as the primary source of heat; and
 - (4) each Rental Unit is provided with an adequate and suitable supply of hot or cold water, fuel, electricity, and gas.
- 7.
 - (1) No Landlord shall cause or allow the discontinuance of a Vital Service to a Rental Unit, except when it is necessary to safely make repairs or alterations to the Rental Unit and then only for the minimum period necessary to effect the repair or alteration.
 - (2) For the purposes of subsection 7(1), a Landlord shall be deemed to have caused the cessation of a Vital Service for a Rental Unit if the Landlord is obligated to pay the supplier for the Vital Service and fails to do so, and as a result of the non-payment, the Vital Service is no longer provided for the Rental Unit.
 - (3) No Landlord shall advise a supplier of a Vital Service to bill a tenant directly except where such tenant has expressly assumed the obligation to pay for that service directly in a tenancy agreement.
- 8. No person shall obstruct, hinder, delay or prevent a Municipal Law Enforcement Officer in the exercise of any power conferred or the performance of any duty imposed by this By-law.

PART IV - ENFORCEMENT

- 9.
 - (1) A Municipal Law Enforcement Officer may, at all reasonable times, enter and inspect a building or part of a building for the purpose of determining compliance with the provisions of this By-law.
 - (2) Despite subsection 9(1), a Municipal Law Enforcement Officer shall not enter a rental unit,

- (a) unless the Municipal Law Enforcement Officer has obtained the consent of the occupier of the Rental Unit after informing the occupier that he or she may refuse permission to enter the unit; or
- (b) unless the Municipal Law Enforcement Officer is authorized to do so under the authority of a warrant duly issued.

PENALTIES

10. Every Person who contravenes a provision of this By-law is guilty of an offence for each day or part of a day on which the offence occurs or continues, and upon conviction is liable to the penalties provided for in section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
11. Every director or officer of a corporation convicted of an offence under this By-law who knowingly concurs in the commission of the offence by the corporation is also guilty of an offence, and upon conviction is liable to the penalties provided for in section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
12. Sections 431 and 440 of the *Municipal Act, 2001*, S.O. 2001, c. 25, apply to this By-law, providing respectively, for a court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the municipality, for a court to make orders to restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-law.

ADMINISTRATIVE PENALTIES

13. (a) Administrative Monetary Penalty By-law 333-2013, as amended, applies to each administrative penalty issued pursuant to this By-law.
- (b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Monetary Penalty By-law 333-2013, as amended, is liable to pay to the City an administrative penalty in the amount set out in the Administrative Monetary Penalty By-law 333-2013, as amended, for each day or part of a day on which the contravention occurs or continues.

GENERAL

14. By-law 240-92, as amended, is hereby repealed.
15. (1) The Director of Enforcement and By-law Services, or his designate, is hereby delegated the authority to shorten or extend the dates for the provision of Adequate and Suitable Heat set out in Subsection 6(1) of this By-law resulting from extreme variations and deviations from normal climatic conditions.
- (2) For the purposes of Subsection 15(1), the Director shall:
 - (a) commence monitoring environmental conditions no later than two weeks prior to the 15th day of September in each year and the first day of June of each year to assess extreme and prolonged heat/cold climatic conditions;

- (b) post and communicate in a coordinated manner an order setting out the date upon which a Landlord shall comply with the provisions of Subsection 6(1) on the City of Brampton website no later than one week prior to the 15th day of September in each year and the first day of June of each year; and
- (c) continue to monitor the environmental conditions and amend the order as necessary.

16. This By-law shall come into force on the date of its passing.

ENACTED and PASSED this 2nd day of May, 2018.

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by:
Linda Jeffrey – Mayor
Peter Fay – City Clerk