



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 136-2008

A By-law to Amend Refuse By-law 381-2005  
to make a number of housekeeping amendments

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WHEREAS By-law 381-2005 presently sets out authority in the *Municipal Act* for the Council of a municipality to pass a by-law relating to the cleaning up of refuse on private property in Brampton;

AND WHEREAS Council wishes to make a number of housekeeping amendments to simplify the language in By-law 381-2005 and make it more easily understood by the public;

The Council of The Corporation of the City of Brampton ENACTS as follows:

1. The phrase in the front page of the office consolidation of Refuse By-law 381-2005, namely "To provide for the cleaning and clearing of refuse from land and to provide that in default of the owner or occupant cleaning and clearing the refuse that the City may do such work at the expense of the owner (The Refuse By-law), to amend User Fee By-law 380-2003, as amended and to repeal By-law 167-91" is replaced by the following phrase:

"To require that owners occupants of private lands in Brampton keep their yards clear of refuse and to provide that on default that the City may hire contractors to do such work at the expense of the owner and add the cost to the tax roll"

2. The definition of "Director" in Section 1 of By-law 381-2005 is replaced by the following:

"Director" means the Director of Enforcement and By-law Services or his or her delegate."

3. The definition of "non-private owner" in Section 1 of By-law 381-2005 is deleted.

4. The definition of "owner" in Section 1 of By-law 381-2005 is replaced by the following:

"owner" includes

- (a) the person for the time being managing or receiving the rent of the land, or premises, in connection with which the word is used whether on his, or her own account or as agent, or trustee of any other person, or who would so receive the rent if such land and premises were let;
- (b) the beneficial owner;
- (c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property; and
- (d) manager of the property

but does not include any of the following:

the City, a local board or agency; the Regional Municipality of Peel, its boards and agencies; the Toronto and Region Conservation Authority; the Credit Valley Conservation Authority; the Crown in the Right of Ontario, and its boards, commissions and agencies; and the Crown in the Right of Canada and its boards, commissions or agencies; and crown corporations."

5. The definition of "private property" in Section 1 of By-law 381-2005 is replaced by the following:

"private property" means land which is owned by an owner as defined in this By-law."

6. The definition of "yard" in Section 1 of By-law 381-2005 is replaced by the following:

"yard" means private property, near or around a building and owned by the building's owner, and used or intended to be used, or capable of being used in connection with the building."

7. The definitions in Section 1 of By-law 104-96 are:

- (1) set out in regular font rather than in bold underline;
- (2) given double quotes; and
- (3) placed in lower case, except for "By-law Officer", "City", "Director" and "Director of Enforcement and By-law Services".

8. The phrase "privately owned property" in Section 5 of By-law 381-2005 is replaced by the phrase "private property".

9. Section 14 of By-law 381-2005 is replaced by the following:

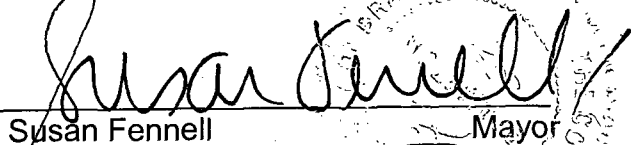
"Please see Schedule B of User Fee By-law 380-2003 for the quantum of the administration fee referred to in Section 12(a)."


10. Section 15 of By-law 381-2005 is replaced by the following:

"In addition to any other remedy, every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.00 exclusive of costs."

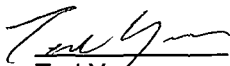
READ a **FIRST, SECOND and THIRD TIME** and **PASSED** in Open Council this  
**28** day of **May**, 2008.

THE CORPORATION OF THE CITY OF BRAMPTON

  
Susan Fennell Mayor

  
~~Kathryn Zammit~~ Clerk  
**Peter Fay, Deputy City Clerk**

Approved as to form and content

 April 17/08  
Ted Yao,  
Legal Counsel