



OFFICE CONSOLIDATION

BY-LAW 240-92

To require adequate and suitable heat for rented dwelling accommodation and to repeal By-law 276-81

(as amended by By-law 102-96)

WHEREAS pursuant to paragraph 76 of Section 210 of the Municipal Act, R.S.O. 1990, m.45 permits council of local municipalities to pass by-laws requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON ENACTS AS FOLLOWS:

1. DEFINITIONS

"adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 68 degrees Fahrenheit (20 degrees Celsius) at 5 feet from above floor level and 3 feet from exterior walls in all habitable rooms and bathrooms.

"adequate and suitable supply of hot water" means a supply of hot water at the ordinary temperature of at least 120 F (43 C) in a quantity of at least 36 gallons (165 litres) for 15 minutes with a minimum recovery rate for the temperature of 10 gallons (45 litres) per hour **(102-96)**..

"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 **(102-96)**..

"Commissioner" means the Commissioner of Legal Services or his designate **(102-96)**.

"owner/landlord" includes 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 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.

"vital service" means fuel, electricity, gas, hot water and steam **(102-96)**..

"Clerk" means the Clerk of the City of Brampton **(102-96)**.."

2. Every owner/landlord shall ensure that every building or part of a building which is rented or leased as dwelling or living accommodation shall:

- (a) between the 15th day of September in each year and the 1st day of June of the following year, be provided with adequate and suitable heat;
- (b) have heating equipment or system capable of maintaining adequate and suitable heat; and
- (c) not be equipped with auxiliary heating equipment as the primary source of heat.
- (d) be provided with an adequate and suitable supply of fuel, electricity, gas, hot water, water or other vital service to each part used as a dwelling **(102-96)**.."

3. The Commissioner, upon the request of any tenant or lessee, may enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat, hot water, water or other vital services are being provided for such dwelling or living accommodation **(102-96)**.
4. **(102-96)**.
 - (1) No owner/landlord shall cause or allow the discontinuance of a vital service to a dwelling, except where it is necessary to safely make repairs or alterations to the dwelling and then only during the minimum time necessary to complete them.
 - (2) For the purposes of subsection (1), a person liable for service or utility rates who fails to pay the rates with the result that the service is disconnected, shut off, or discontinued shall be deemed to have caused the discontinuance.
 - (3) No owner/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.
5. No person shall obstruct, hinder, delay or prevent the Commissioner in the exercise of any power conferred or the performance of any duty imposed by this by-law.
6. Every person who contravenes any part of the provisions of this by-law is guilty of an offence, and, upon conviction is liable to a penalty not exceeding the sum of five thousand dollars (\$5,000.00), exclusive of costs.
7. By-law 276-81 is hereby repealed.

Read a First, Second and Third Time and Passed in Open Council this 26th day of October, 1992.

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by: Peter Robertson, Mayor

Original Signed by: Leonard J. Mikulich, City Clerk