



Orientation Manual

**Property Standards
Committee
(2018-2022)**



BRAMPTON
Flower City

Date: May 7, 2019

To: Property Standards Committee

From: Charlotte Gravlev, Deputy City Clerk

Re: **General Information – Committee Appointment**

Congratulations on your appointment as a member of the **Property Standards Committee** for the term ending November 14, 2022, or until a successor is appointed.

The purpose of this memo is to provide you with additional details regarding your appointment.

Committee Meetings

Attendance

- Attendance at meetings is important so that committee business is completed.
- If you are unable to attend, need to leave early or expect to arrive late, you are requested to notify Tammi Jackson, the Legislative Coordinator in the City Clerk's Office, as soon as you know your schedule. This allows staff to determine if quorum will be achieved and maintained, and provides the opportunity to contact the other committee members, if necessary, to confirm their attendance.
- If it is realized that the committee will not meet quorum prior to the meeting, the Chair will be advised and the meeting may be cancelled.
- If quorum is not achieved within ½ hour after the scheduled start time, the meeting will be deemed as "failed for quorum" and the names of members who are in attendance will be recorded and the meeting will not proceed.
- As outlined in Council's Procedure By-law 160-2004, as amended, if citizen members are absent for **three consecutive meetings, without cause, or approval from Council**, the member will be deemed to have resigned and the vacancy will be filled in accordance with the Citizen Appointment Procedures.

Meeting Procedures

- At the June 27, 2019 meeting, the Chair and Vice-Chair (or Co-Chairs) will be elected.
- The Legislative Coordinator is present at the meetings to record the proceedings and to assist the Chair in ensuring that procedures are followed properly.

All committee appointments are for the term ending November 14, 2022 or until successors are appointed. This means that this committee may continue with normal business after the next municipal election in the Fall of 2022 until the new Council appoints a new Property Standards Committee.

Some meeting materials may be available in alternate formats. If you require such materials, please advise staff.

The purpose of this orientation binder is to hold important reference material as you begin your duties and throughout your term. Also, please be assured that City staff is available to assist you.

I wish you an enjoyable and fulfilling experience on the Property Standards Committee. If you have any questions, please contact myself or Tammi Jackson, Legislative Coordinator, at (905) 874-3829.

Charlotte Gravlev
Deputy City Clerk
Telephone: (905) 874-2115 Fax: (905) 874-2119
charlotte.gravlev@brampton.ca

cc: Joe Pittari, Commissioner Corporate Services
Peter Fay, City Clerk
Tammi Jackson, Legislative Coordinator



Property Standards Committee

2019 Schedule of Meetings

All hearings commence at 9:00 a.m. and are held in the
City Hall – Council Chambers – 4th Floor

Hearing Dates
June 27, 2019
July 25, 2019
August 29, 2019
September 26, 2019
October 24, 2019
November 28, 2019
December 19, 2019

Members: If you are unable to attend a meeting, please contact Tammi Jackson, Legislative Coordinator, at (905) 874-3829 or via email at tammi.jackson@brampton.ca at your earliest possible convenience.

A minimum of 3 members must be present to achieve quorum and proceed with the hearing.

Property Standards Committee
Staff Contact List

Name	Position	Contact Information
Peter Fay	City Clerk City Clerk's Office	T: 905-874-2172 F: 905-874-2119 peter.fay@brampton.ca
Charlotte Gravlev	Deputy City Clerk City Clerk's Office	T: 905-874-2115 F: 905-874-2119 charlotte.gravlev@brampton.ca
Tammi Jackson	Tribunal Coordinator City Clerk's Office	T: 905-874-3829 F: 905-874-2119 tammi.jackson@brampton.ca

Mailing Address:

Brampton City Hall
 Clerk's Office
 2 Wellington Street West
 Brampton, ON L6Y 4R2

Property Standards Committee

- Composition:** Traditionally, five citizens are appointed.
– Legislation requires a minimum of three (The Building Code Act)
- Term of Office:** Concurrent with the term of Council, ending November 14, 2022, or until successors are appointed
- Established By:** By-law 104-96, as amended
- Meetings:** Last Thursday of every month, provided there are appeals to be heard. Hearings are conducted in a quasi-judicial set up at City Hall.
- Supported by:** City Clerk's Office
- Honorarium:** \$50.00 per meeting

Committee Structure/Responsibilities:

The Property Standards Committee operates under the authority of the Building Code Act and the Statutory Powers and Procedure Act. The committee hears appeals from the Orders of the Property Standards Officers, and makes decisions to confirm, modify or rescind the order to demolish or repair, and to extend time for complying with the order if, in committee's opinion, the general intent and purpose of the by-law are maintained.



Office Consolidation

Minimum Maintenance By-law 104-96 (Property Standards)

**(as amended by By-laws 135-96, 101-98, 135-2008, 186-2008,
154-2012, 90-2016)**

**To establish standards for the maintenance and occupancy of
property in the City of Brampton and to repeal By-law 11-90**

INDEX

Office Consolidation Minimum Maintenance By-Law 104-96 (Property Standards)

Part I – Definitions	1	Part IV – General Provisions - Interior	16
Part II – Administration and Enforcement	7	Pest Prevention	16
Property Standards Committee	7	Basement Floors	16
Part III – General Provisions	8	Doors and Windows	16
Duties	8	Stairs and Landings	17
Manner of Making Repairs	8	Handrails and Guards	17
Yard	8	Egress	17
Sewage and Drainage	10	Walls and Ceilings	17
Walks	10	Floors	18
Safe Passage	11	Cleanliness	18
Fences	11	Water	18
Graffiti	11	Plumbing	19
Garbage Disposal	11	Kitchen and Bathroom Facilities	19
Antennae	12	Bathroom	19
Exterior Walls	12	Cooking Spaces	20
Roof	13	Heating System	20
Dampness	13	Electrical Service	21
Exterior Doors and Windows	13	Light	22
Handrails and Guards	13	Ventilation	22
Lighting	14	Basement, Cellar or Unheated Crawl Space	23
Ventilation	14	Parking Facilities	23
Occupancy Standards	14	Lodging Houses, Group Homes	24
Stairs and Porches	15	Part V – Heritage Buildings	25
Foundations	15	Part VI – Vacant Land	30
Structurally Sound	15	Part VI – Penalties	31
		Schedule “A” to By-law 104-96	32

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

PART I

DEFINITIONS

In this By-law:

1. (1) “accessory building” means a detached building or structure subordinate to a main building or structure and includes any building or structure the use of which is incidental to that of a main building or structure, and shall include garages, drive sheds, barns, and similar storage facilities.
- (2) “basement” means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade.
- (3) “bathroom” means a room which shall contain a water closet and basin and may contain a bathtub or shower.
- (4) “building code” means a regulation made under the Building Code Act, 1992 (**By-law 135-2008**).
- (5) “cellar” means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.
- (6) “City” means the Corporation of the City of Brampton.
- (7) “Committee” means the Property Standards Committee established pursuant to the provisions of this By-law.
- (8) “dwelling unit” means a unit that:
 - (a) consists of a self-contained set of rooms located in a building or structure,
 - (b) is used as a residential premises,
 - (c) contains kitchen and bathroom facilities that are used only by the occupants of the unit,
 - (d) is used as a single housekeeping unit, which includes a unit in which no occupant has exclusive possession of any part of the unit, and
 - (e) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit (**By-law 135-2008**).

- (9) “electrical safety code” means the electrical safety code administered by the Electrical Safety Authority pursuant to the *Electricity Act, 1998* (**By-law 135-2008**).
- (10) “fire code” means regulations made under the *Fire Protection and Prevention Act, 1997* (**By-law 135-2008**).
- (11) “group home” means a supportive housing facility occupied by four (4) to ten (10) persons which is required to be registered pursuant to the City's Zoning By-laws.
- (12) “habitable space” means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom; (**By-law 101-98**)
- (13) “lodging house” means a dwelling in which rooms or room and board are supplied for hire or gain, for more than two persons, but shall not include a hotel, motel or group home.
- (14) “mildew” has its ordinary meaning and includes a whitish growth produced by fungi (**By-law 135-2008**).
- (15) “mixed use building” means a building containing one or more dwelling units and other uses not accessory to the dwelling units.
- (16) “mould” has its ordinary meaning, and includes any living organism or fungus in damp or decaying environment, which produces a superficial growth and also includes such superficial growth (**By-law 135-2008**).
- (17) “multiple dwelling” means a building containing two or more dwelling units which are in use.
- (18) “non-habitable room” means a room other than a habitable room in a dwelling or dwelling unit, and includes a bathroom or shower room, toilet room, laundry room, boiler room, furnace room, pantry, closet, storage room, corridor, foyer, stairway, lobby and recreation room.
- (19) “officer” means a Property Standards Officer or other enforcement officer duly appointed by a By-law of the City to administer and enforce the provisions of this By-law.
- (20) “owner” 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 and

shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property.

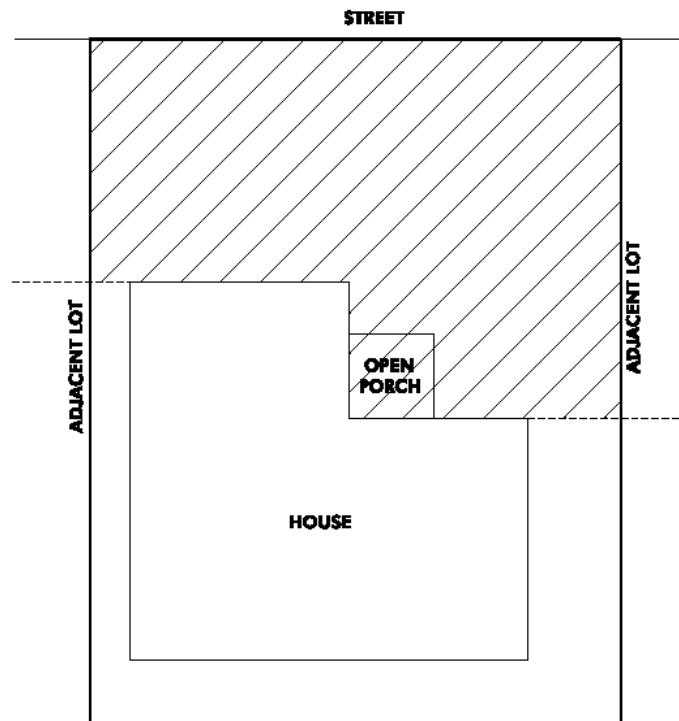
- (21) “person” shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
- (22) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, on which there are no structures of any kind.
- (23) “Peel Receptacle” means all or any of the following: Region of Peel issued garbage waste cart, Region of Peel issued recycling cart, and Region of Peel issued organics waste cart. **(By-law 90-2016)**

Note: Definitions below have been re-numbered to accommodate the addition of “Peel Receptacle”

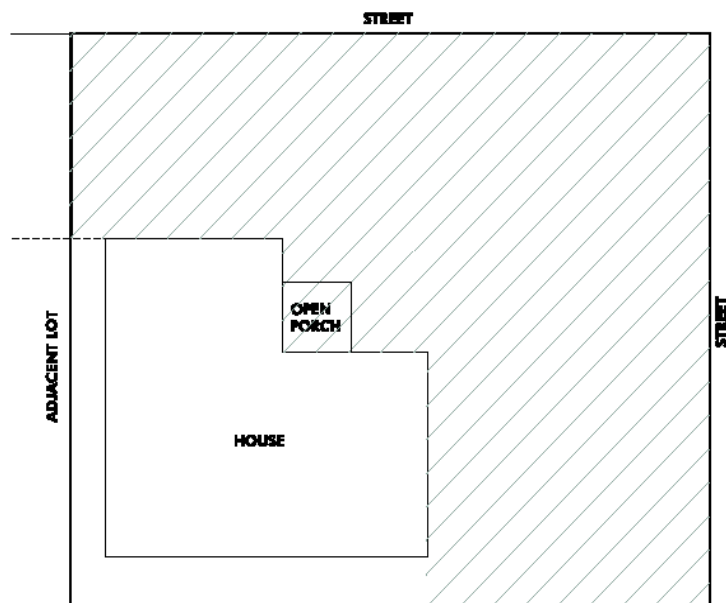
- (24) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
- (25) “sewage system” means an approved sanitary sewage system or an approved private sewage disposal system which is in compliance with the applicable by-law.
- (26) “vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
- (27) “yard” means the land, other than publicly owned land, around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.
- (28) “yard facing a street” means the hatched area shown in the following diagram **(By-law 135-2008)**:

Note: see below for additional definitions.

INTERIOR LOT



CORNER LOT



The following definitions were added pursuant to **By-law 154-2012**:

- a. "Building Code Act" shall mean the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, and any successor legislation;
- b. "Heritage Property" means real property, including all buildings and structures thereon:
 - i. that has been designated by the City of Brampton under Section 29 of the *Ontario Heritage Act*, or that has been designated by the Minister under Section 34.5 of the *Ontario Heritage Act*, or
 - ii. that is located within a heritage conservation district which has been designated by the City of Brampton or any of its former municipalities under Section 41 of the *Ontario Heritage Act*,
- c. "Heritage Attribute" means, in relation to real property, and to the buildings on the real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:
 - i. in a by-law designating a property passed under Section 29 of the *Ontario Heritage Act*, and identified as a heritage attribute, value, reason for designation or otherwise; or
 - ii. in a Minister's order made pursuant to Section 34.5, Part IV of the *Ontario Heritage Act* and identified as a heritage attribute, value, reason for designation or otherwise; or
 - iii. in a by-law designating a heritage conservation district passed under Section 41, Part V of the *Ontario Heritage Act* and identified as a heritage attribute, value, reason for designation or otherwise; or
 - iv. in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a heritage attribute, value, reason for designation or otherwise; or
 - v. the elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage attributes and without which the heritage attributes may be at risk.
- d. "Heritage Coordinator" shall mean a Heritage Coordinator of the City of Brampton.

- e. *"Ontario Heritage Act"* shall mean the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 as amended, and any successor legislation.
- f. "Vacant Heritage Property" shall include any buildings and structures located on property designated under Section 29 or 34.5 of the *Ontario Heritage Act*, any property situated within a heritage conservation district designated under section 41 of the *Ontario Heritage Act* and either is or appears to an Inspector to be vacant, partially vacant, or unoccupied for more than ninety (90) days.

PART II

ADMINISTRATION AND ENFORCEMENT

Administration and Enforcement

2. The City may from time to time appoint Officers and such other staff as may be necessary to carry out the functions of this By-law, including the enforcement thereof.

Property Standards Committee

3.
 - (1) A Property Standards Committee is hereby established.
 - (2) The Committee shall be composed of not less than three (3) residents of the City appointed by Council.
 - (3) The term of the appointment shall be for the term of Council.
 - (4) A member shall serve for the term for which the member is appointed or until a successor is appointed by City Council.
 - (5) In the event of a vacancy in the membership of the Committee, Council shall forthwith fill the vacancy.
 - (6) A member of Council or an employee of the City or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
 - (7) A member shall be deemed to have resigned if he fails to attend three (3) consecutive regular meetings.
4. Honoraria shall be paid to members of the Committee at the rate of Fifty Dollars (\$50.00) for each meeting attended, which Committee shall meet once a month or as required by Council.

PART III

GENERAL PROVISIONS

(This part prescribes the standards for every property situated in the City of Brampton, except vacant land)

Duties

5. Every owner shall ensure his property is maintained in accordance with the provisions of this By-law.
6. Every person to whom an order is issued under this by-law shall obey such order as required.

Manner of Making Repairs (By-law 135-2008)

- 6.1 (1) All repairs shall be made in a good and workmanlike manner with materials that are suitable for the purpose and free from defects.
- (2) Without limiting Section 6.1(1), the phrase “good and workmanlike manner” includes:
 - (a) ensuring the component repaired can perform its intended function; and
 - (b) finishing the repair in a manner reasonably compatible in design and colour with the adjoining decorative finishing materials.
- (3) The requirement that repairs be made with “materials that are suitable for the purpose” includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

Yard

7. (1) A yard shall be kept clean and free from:
 - (a) hazardous objects or materials,
 - (b) domestic animal excrement,
 - (c) rubbish or other debris,
 - (d) holes, ruts and excavations that are actual or potential health, fire or safety hazards, or
 - (e) anything that may attract or harbour rodents or insects **(By-law 135-2008)**.

- (2) Lawns shall be kept trimmed and from becoming unreasonably overgrown, Hedges and trees shall be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility or passage of the general public.
- (3) Domestic storage, such as firewood, building materials, garden equipment and materials must be stored:
 - (a) neatly; and,
 - (b) not in a yard facing a street **(By-law 135-2008)**.
- (4) A yard shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.
- (5) Every yard shall be kept clean and free from rodent and insect infestation and dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which may fall and cause an accident **(By-law 135-96)**.
- (5.1) Dead, decayed or damaged trees, branches or other natural growth which may constitute an actual or potential health, fire or safety hazard must be removed and disposed of **(By-law 135-2008)**.
- (6) No vehicle which is in a wrecked, discarded, dismantled or inoperative condition or is unlicensed shall be parked, stored, or left in the yard unless such vehicle is required for business or farming purposes and then only in an arrangement such as to prevent an unsafe or unsightly condition **(By-law 135-96)**.
- (7) No vehicle shall be parked on any lot, except on a paved or appropriately finished surface **(By-law 135-2008)**.
- (8) Swimming pools and appurtenances thereto, including safety fences and gates, shall be kept in good repair, clean and free from health and safety hazards, including the pool water therein.
- (9)
 - (a) Where a zoning by-law permits outside storage, such storage shall not exceed the lesser of 2.44 metres (8 feet) or the height of a surrounding fence.
 - (b) Outside storage shall be maintained so as to prevent an unsafe or unsightly condition out of character with the surrounding environment.

- (c) The provision and maintenance of a surrounding fence shall be appropriate to the nature of the adjacent uses to minimize the visual impact of nuisances to persons at grade adjacent to the property.
- (10) All areas used for vehicular traffic, parking and facilities for loading and unloading, including loading spaces or bays shall be:
 - (a) kept free from dirt, surface dust and refuse;
 - (b) maintained in good repair;
 - (c) properly drained and;
 - (d) provided with curb stops or other restraining devices to prevent vehicular damage to structures on this or adjoining property.
- (11) Whenever landscaping hedges, trees, fences, curbs, retaining walls or similar changes to property have been required by the Corporation as a condition of development or redevelopment, such works shall be undertaken and maintained so as to ensure continuous compliance with the Corporation's requirements.

Sewage And Drainage

- 8.
 - (1) All sewage shall be discharged into an approved sewage system which is in compliance with the applicable by-law.
 - (2) No roof drainage shall be discharged or channelled onto walkways, stairs, or onto adjacent lands.
 - (3) Storm water, sump or swimming pool discharge, and water artificially brought on the land, shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement, cellar, or onto adjacent lands.
 - (4) Adequate drainage shall be installed where there is recurring excessive ponding caused by surface water.

Walks

- 9. Every driveway, parking area and walk shall be surfaced with stone, gravel, asphalt, concrete or other material capable of providing a hard surface.

Safe Passage

10. Steps, walks, driveways and parking areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

Fences

11. All fences, retaining walls and structures appurtenant to a property, shall be kept in good repair, free from hazards, and where required, protected by paint, preservative or other weather resistant material unless the characteristics of the fence, retaining wall, screen or enclosure are designed to be enhanced by the lack of such material. All fences, retaining walls and other such structures shall be constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.

Graffiti

12. Objectionable markings, graffiti, or other defacement of fences, retaining walls and structures appurtenant to a property shall be removed and the surface restored.

Garbage Disposal

13.
 - (1) Every building and every dwelling unit shall have sufficient appropriate receptacles to contain all garbage, rubbish, ashes and trade waste.
 - (2) Receptacles shall be standard garbage bags or other standard garbage containers commercially sold for the purpose and provided with a tight fitting cover.
 - (3) Garbage receptacles other than bags shall:
 - (a) be maintained in a clean state; and,
 - (b) not be stored in a yard facing a street **(By-law 135-2008)**.
 - (c) despite sub-section (b), a Peel Receptacle as defined in this by-law may be stored in a yard facing a street, in an orderly manner adjacent to a building, provided that:
 - (i) the subject property does not have a side yard with a width of 1.0 metre or more;
 - (ii) the subject property does not have a rear yard access that is wider than the width of the Peel Receptacle;
 - (iii) the subject property does not have an accessory building, carport or garage; and

- (iv) if the subject property has a single car garage, it is deemed required parking according to zoning by-law amendment 270-2004.
- (d) where a subject property satisfies the criteria in sub-section (c), an Officer shall have the discretion to determine whether there is a reasonable alternative to storage in a yard facing a street and if there is a reasonable alternative, the property owner shall use that reasonable alternative to store the Peel Receptacle

(sections (c) and (d) were added pursuant to By-law 90-2016)

- (4) Garbage bags shall not be stored outdoors unless adequately protected from damage.
- (5) Every building shall be provided with vermin-proof storage space for garbage and trade waste and stored in an approved, acceptable, or appropriate area.
- (6) Containers shall be made available for the disposal of refuse which may be discarded by customers and the yard shall be kept free of such refuse.
- (7) Notwithstanding the foregoing, properly maintained compost heaps are permitted.

Antennae

- 14. Craneways, lightning arrestors, television and radio antennae and structures of similar character shall be maintained in good repair and free of fire and hazards and properly anchored and plumb, unless specifically designed to be other than vertical.

Exterior Walls

- 15. (1) The exterior walls and their components, including eavestroughs, downpipes, soffits and fascias, shall be maintained so as to prevent their deterioration due to weather or insects, and shall be maintained by painting, restoring, cleaning, or repairing of the walls, coping or flashing, by the waterproofing of joints and of the walls themselves by installing or repairing of termite shields and by the treating of the soil with poison, in accordance with the provisions of any relevant legislation.
- (2) Objectionable markings, graffiti, or other defacement of exterior surfaces shall be removed and the surface restored.

- (3) All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, air conditioners and similar overhang extensions shall be:
 - (a) maintained in good repair;
 - (b) properly anchored; and
 - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- (4) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

Roof

- 16. (1) A roof including flashings shall be kept in good repair and be maintained in a watertight condition so as to prevent leakage of water into the building. The attic shall be ventilated in conformance with the building code (**By-law 135-2008**).
- (2) Every chimney, smoke or vent stack and other roof structures shall be maintained plumb and in good repair so as to be free from:
 - (a) loose bricks, mortar and loose or broken capping;
 - (b) loose or rusted stanchions, braces and attachments;
 - (c) fire or accident hazard.

Dampness

- 17. The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawl space floor.

Exterior Doors And Windows (By-law 135-2008)

- 18. (1) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling.

- (2) Rotted or damaged doors, door frames, window frames, shutters, screens, sashes and casings, weather stripping, broken glass, and defective door and window hardware shall be repaired or replaced.

Handrails and Guards (By-law 135-2008)

19. Handrails and guards must follow the building code.

Note: The building code requirements for guards are complex and this by-law makes no effort to summarize them.

Lighting

20. Outdoor lighting shall be of a low-level, low-intensity nature; directed in a manner which will minimize glare and the undue intrusion of light on abutting properties, dwellings and streets.

Ventilation

21. Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall be located not less than 1.83 metres (6 feet) from a window located in an adjoining building.

Occupancy Standards (By-law 135-2008)

22.
 - (1) The maximum number of occupants in a dwelling unit shall not exceed one person for each 14 sq. metres (150 sq. ft.) of the total floor area of all habitable rooms. For the purposes of Section 22(1), a child under twelve years of age shall be counted as .5 persons.
 - (2) No room shall be used for sleeping purposes unless it has:
 - (a) a minimum width of 1.83 metres (6 feet); and,
 - (b) a floor area of at least 5.6 sq. metres (60 sq. feet).
 - (3) A room used for sleeping purposes by two or more persons shall have a floor area of at least 3.7 sq. metres (40 sq. feet) for each person using the room.
 - (4) The following are the rules governing the minimum ceiling height of rooms in a dwelling unit.

- (a) Ceiling height has its normal meaning, but where there is no ceiling, the height is measured to the lowest point of the exposed joist.
 - (b) The ceiling height must be 2.3 metres (7.5 feet) over at least fifty percent of the floor area or an average of 2.13 metres (7.0 feet) over all of the floor area.
 - (c) Any part of the floor area having a ceiling height of less than 1.37 metres (4.5 feet) is not considered in computing the floor area in Section 22(4)(b).
- (5) No kitchen, bathroom or hallway shall be used for sleeping purposes.

Stairs And Porches

23. An outside stair and any porch appurtenant to it shall be maintained so as to be free of defects which may constitute possible hazard, and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Foundations

24. (1) The foundation walls and the basement, cellar or crawl space floor shall be maintained in good repair so that they may effectively support all loads imposed upon them and where necessary shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging and water-proofing the walls or floors.
- (2) Every building, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock and all footings, foundation walls, piers slabs-on-grade shall be of concrete or other suitable material.
- (3) Subsection (2) does not apply to accessory buildings.

Structurally Sound

25. (1) Every part of a building, including an accessory building, shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subjected.

- (2) The exterior walls, roofs and other parts of the building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.
- (3) All exterior surfaces shall be of materials which provide adequate protection from the weather.

26. **(Deleted – By-law 101-98)**

PART IV

GENERAL PROVISIONS – INTERIOR

Pest Prevention

27. (1) Property shall be kept free of infestation by rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of any relevant legislation.
- (2) All windows and openings used or required for ventilation or exhaust and any opening in a basement or cellar, including a floor drain that may permit the entry of rodents, vermin or insects, shall be screened with wire mesh, metal grille or other durable material as will effectively exclude any of the above pests.

Basement Floors

28. (1) A basement, cellar or crawl space which is not served by a stairway may have a dirt floor provided it is covered with a moisture proof covering.
- (2) Basements or cellars which are served by a stairway shall have a concrete floor with a floor drain located at the lowest point of the said floor and connected to a sewage system or to an acceptable system of disposal.
- (3) A concrete floor in a basement or cellar shall be free from major cracks, breaks, or such as to create a hazardous condition.
- (4) Where a basement or cellar is served by an outside stairwell, the floor of the stairwell shall have a floor drain connected to an approved sewage system.

Doors And Windows

29. (1) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured.
- (2) In a dwelling with three or more stories, all windows intended to be opened and all balcony doors shall have safety devices to prevent risk of accidents to children. Such safety devices shall be in conformity with the building code (**By-law 135-2008**).

- (3) Interior doors, closet doors, cupboard doors, counter tops, cupboards, vanities, shelving and their appurtenances shall be maintained in good repair.

Stairs And Landings

30. All inside stair and any landing appurtenant to it shall be maintained so as to be free of defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Handrails and Guards

31. A barrier such as a handrail and guard shall be installed at a minimum height of 1.07 metre (42 inches) and maintained in good repair on the open side of a balcony, porch, landing and stairwell with a difference of 1.53 metre (5 feet) or more in elevation (**By-law 186-2008**).

Egress

32.
 - (1) There shall be provided a means of egress from every floor area for the safety of every person in the building in accordance with the building code (**By-law 135-2008**).
 - (2) All means of egress shall be maintained in good repair and free of objects or conditions which constitute an accident or fire hazard.
 - (3) Every dwelling unit shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.

Walls And Ceilings

33.
 - (1) Every wall and ceiling shall be free of holes, cracks, loose coverings or other defects.
 - (2) Where occupancies or dwelling units are separated vertically, the dividing walls shall comply with the building code (**By-law 135-2008**).

- (3) Where a dwelling unit is separated horizontally from another dwelling unit or a non-residential occupancy, there shall be a finished ceiling which separates these occupancies in accordance with both the building code and fire code (**By-law 135-2008**).

Floors

34. (1) Every floor shall be smooth and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident or allow dirt to accumulate and all defective floor boards shall be repaired or replaced.
- (2) Where floor boards have been covered with linoleum, tile, carpet, or some other covering that has become worn or torn so that it retains dirt or might cause an accident, the floor covering shall be repaired or replaced.

Cleanliness

35. (1) Every floor, wall, ceiling, fixture, appliance and equipment shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.
- (2) Every building shall be kept free from rubbish, debris, or any condition which constitutes an actual or potential fire, health or safety hazard (**By-law 135-2008**).
- (3) Every building shall be kept free from visible mould or mildew (**By-law 135-2008**).

Water

36. (1) Every dwelling shall be provided with an adequate supply of potable hot and cold running water.
- (2) Hot water shall be supplied at a minimum temperature of 49 degrees C (120 degrees F).

Plumbing

37. All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system shall be maintained in good working order in accordance with the relevant legislation and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

Kitchen and Bathroom Facilities

38. (1) Every dwelling unit except as otherwise provided in subsection (2) shall contain plumbing fixtures consisting of at least:
- (a) a water closet;
 - (b) a kitchen sink;
 - (c) a washbasin;
 - (d) a bathtub or shower.
- (2) The occupants of not more than two dwelling units may share a water closet, washbasin and bathtub or shower, provided:
- (a) not more than a total of eight (8) persons occupy both dwelling units;
 - (b) access to the fixtures can be gained without going through rooms of another dwelling unit or outside the dwelling.
- (3) No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food (**By-law 101-98**).

Bathroom

39. (1) All bathrooms or toilet enclosures shall be fully enclosed and shall have a door capable of being locked so as to provide privacy for the user.
- (2) Every bathroom shall have a floor of water repellent construction.
- (3) All bathroom facilities and bathrooms shall be kept clean and neat at all times.

- (4) The bathroom walls and ceiling of every bathroom shall be provided with a smooth surface and where paint is used as the surface coating it shall be maintained and painted as is necessary for cleanliness.
- (5) On non-residential properties, each bathroom shall be provided with toilet paper, soap and individual towels or other means of drying.
- (6) Every bathroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 930 sq. cms. (1 sq. foot).
- (7) An opening for natural ventilation may be omitted from a bathroom where a system of mechanical ventilation in proper working order has been provided, such as an exhaust fan with a duct leading to outside the building.

Cooking Spaces

- 40. (1) Every kitchen shall be provided with a supply of electricity that has been approved by the Ontario Hydro Electric Power Commission.
- (2) All combustible materials immediately underneath or within 30.5 cm (12 inches) of any cooking apparatus shall be fire retarded or covered with fire resistive material, except where such apparatus is installed in accordance with the requirements of the applicable codes. There shall always be at least 76.2 cm (30 inches) clear space above any exposed cooking surface of such apparatus.

Heating System

- 41. (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of not less than 20 degrees C (68 degrees F) at 1.52 metres (5 feet) above floor level and 0.92 metres (3 feet) from exterior walls in all habitable rooms and bathrooms.
- (2) The heating system shall be maintained in good working condition.
- (3) Auxiliary heaters shall not be used as a primary source of heat.
- (4) No room heater shall be placed so as to cause a fire hazard to walls, curtains, and furniture, nor to impede the free movement of persons within the room where the heater is located.

- (5) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location, and properly constructed so as to be free from fire or accident hazards.
- (6) An adequate supply of fuel shall be available at all times.
- (7) Equipment burning fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.
- (8) Where combustible materials are stored in the basement the fuel burning heating system shall be enclosed.
- (9) Every chimney, smoke pipe, flue and vent shall be maintained so as to prevent gases from leaking into the building or property, and shall be free of any defects.
- (10) A fuel burning central heating system in a mixed use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than one (1) hour.
- (11) Where in the opinion of an Officer there exists a hazardous condition due to storage in or use of a space adjacent to a heating system, the furnace shall be enclosed in accordance with the provisions of the building code **(By-law 135-2008)**.
- (12) All fuel shall be stored in a safe manner.

Electrical Service

- 42. (1) The electrical wiring and all equipment and appliances located or used in a building or on said property shall be maintained in good working order in accordance with the electrical safety code so as not to overload the designed size of the service so as not to cause a fire or electrical shock hazard **(By-law 135-2008)**.
- (2) No fuse or overload device shall exceed the capacity indicated on the fuse panel.
- (3) Every habitable room in a dwelling unit shall have at least one duplex electrical outlet in good working order:
 - (a) for the first 11.15 sq. metres (120 sq. feet) or less of floor area; and

- (b) for each additional 9.3 sq. metres (100 sq. feet) or less of floor area.
- (4) No person shall place an extension cord directly beneath a floor covering or through a transom, doorway, wall, ceiling or floor and no person shall use, cause or permit the use of an extension cord so placed.
- (5) All intercom system and security system wiring and appurtenances shall be maintained in good working order.
- (6) Where supplied, service equipment and appliances, such as stoves, refrigerators, washers and dryers and their components shall be maintained in good repair.

Light

- 43. (1) All habitable space shall have artificial lighting to the level required by the building code (**By-law 135-2008**).
- (2) Windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination in all passageways and stairways, and in all stairways provided for use in case of fire or other emergency as required by the building code (**By-law 135-2008**).
- (3) Every habitable room in a dwelling or dwelling unit, except a kitchen, shall contain a window or skylight that complies with the building code (**By-law 135-2008**).
- (4) All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage at a minimum average of 21.6 lux (2 foot candles) at floor level.

Ventilation

- 44. (1) Every habitable room and every bathroom shall be ventilated in conformance with the building code (**By-law 135-2008**).
- (2) Where an aperture such as a window, skylight, or louvre is used for ventilation, the aperture shall be maintained so as to be easily opened, kept opened and closed.
- (3) Every room where people work shall have an opening or openings for natural ventilation which openings shall be located in the exterior walls or

through openable parts of skylights and shall have a minimum aggregate unobstructed free flow area of one percent of the floor area of the room.

- (4) An opening for ventilation may be omitted if mechanical ventilation is provided which changes the air two times each hour.
- (5) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

Basement, Cellar or Unheated Crawl Space

- 45. (1) Every basement or unheated crawl space should be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than one (1) percent of the floor area for basements and 930 sq. cms. (1 sq. foot) per 46.5 sq. metres (500 sq. feet) of crawl space area.
- (2) An opening for natural ventilation may be omitted from the basement or unheated crawl space where a system of mechanical ventilation has been provided which changes the air once each hour.

Parking Facilities

- 46. (1) Parking facilities shall be maintained in a clean and safe condition.
- (2) Lighting in parking facilities shall be considered to be adequate if the number and arrangement to light fixtures is such as to provide an average level of illumination of at least 54 lux (5 foot candles) at floor level over the entire floor area with a minimum level of 10 lux (1 foot candle) at any location on the floor.
- (3) Lighting fixtures in all parking facilities shall be protected from accidental or malicious damage by the provision of wire screens or by other suitable means.
- (4) The walls, ceilings and columns of all parking facilities shall be luminous white and shall be suitable for application to the material of which the walls, ceilings and columns are formed and be washable and shall be washed or renewed as often as is necessary to maintain their original reflective value.
- (5) No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, discarded or abandoned condition shall be stored or allowed to remain in any parking facility.

- (6) Mechanical ventilation for parking facilities shall confirm with the requirements of the building code **(By-law 135-2008)**.
- (7) If in the opinion of an Officer there is a doubt as to the structural adequacy or condition of a parking garage or appurtenance, the Officer may order that an examination and written report be prepared by a professional engineer, licensed in Ontario, and employed by the owner or his authorized agent.

Lodging Houses, Group Homes **(By-law 135-2008)**

- 47. Every lodging house and group home shall conform with the relevant provisions of the building code and fire code **(By-law 135-2008)**.
- 48. All electrical wiring shall be in accordance with the electrical safety code, and a certificate of inspection shall be filed with the City **(By-law 135-2008)**.
- 49.
 - (1) Every lodging house in which 3 or more persons are harboured, received or lodged shall comply with the following standards in addition to requirements of the Comprehensive Property Standards section of this by-law and all other relevant legislation.
 - (2) Adequate toilet and bathing facilities shall be provided and maintained, with at least one room, with access provided by means of an entrance from a common hallway or corridor, containing at least one wash-basin, one water-closet and one bathtub, for each five lodgers.
 - (3) Where food is prepared or intended to be prepared, adequate facilities shall be provided for the proper preparation and protection of food, with such equipment to be in safe operating condition at all times.
 - (4) No cooking or heating appliances shall be located or used in cupboards or clothes closets.

PART V
HERITAGE BUILDINGS
By-law 154-2012

50. In addition to the minimum standards for the maintenance and security of property in the City as set out in this By-law, the following minimum standards listed in Sections 51 to 60 apply to the maintenance and security of all buildings and structures on properties that are:
- a) designated under Section 29 or 34.5 of the *Ontario Heritage Act*, or
 - b) situated within a heritage conservation district, designated under Section 41 of the *Ontario Heritage Act*.
51. The Owner of a Vacant Heritage Property shall protect the Heritage Attributes of the property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building of the Vacant Heritage Property. Securing heritage resources shall comply with the following requirements:
- a) All boarding must be ½ inch S.P.F. exterior grade plywood (not particle board, fibre board or other forms of board sheathing);
 - b) Boarding must be cut to completely and securely fit within all exterior structural openings;
 - c) All boarding shall be maintained in good repair;
 - d) All boarding shall be installed from the exterior;
 - e) All boarding shall be fastened using wood screws only. Screws must be at least #8 gauge, countersunk and not less than 3 inches in length. Each screw shall be spaced not more than 3 inches on centre around the entire perimeter of each plywood board;
 - f) All boarding shall be fitted securely and in a watertight manner to fit within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding, and so as not to be easily detached by hand;
 - g) All boarding used on windows and door openings shall be painted using exterior grade paint in a matt black;

- h) All other boarding shall be painted using exterior grade paint in a colour that blends with the exterior of the building or structure;
 - i) Interior doors, except those in fire separations, should be fixed ajar at least 4 inches to allow air to circulate throughout in order to help prevent interior deterioration through excess humidity;
 - j) Where a structural opening is irregular in shape or unusually large, alternate security measures shall be required to adequately secure these openings, such as steel mesh screening, grills, security bars or cross-bracing over plywood;
 - k) If the aforementioned measures prove insufficient to secure openings, additional augmentation measures shall be required, consisting of the installation of steel mesh enclosures or steel panels over all boarded ground floor openings; and
 - l) The exterior shall be maintained in order to prevent moisture penetration and damage from the elements that may have an adverse impact on the heritage attributes.
52. The Owner of a Vacant Heritage Property shall ensure that all utilities serving the building are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety and security of the property, or unless such utilities are otherwise required by law to remain connected.
53. The Owner of a Vacant Heritage Property shall ensure that the following security measures are taken with respect to the building or structure:
- a) Lock all doors and windows and ensure on-going maintenance;
 - b) Close all basement hatches, openings, walkways and windows;
 - c) Remove ladders, tools, equipment and other materials that might be used to gain interior access;
 - d) Remove rubbish, garbage, parts of vehicles and other equipment, discarded furniture, appliances, machinery and debris from inside buildings and structures and from around the property;
 - e) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the Vacant Heritage Property;

- f) Significant trees, plantings, grass, lawns, flower beds, hedgerows, bushes, vines and other vegetation on grounds surrounding vacant heritage buildings, structures and other resources shall be maintained and protected at all times in accordance with all relevant City by-laws;
- g) Chain-off driveways and all other direct means of vehicular access to the property, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable;
- h) Temporary metal security fencing may be required around the perimeter of a Vacant Heritage Property. The fence shall be 2 metres in height above grade, equipped with a horizontal top rail. The temporary fence shall be erected and securely anchored and maintained at all times with all gates locked with appropriate high-security pad locks. Barbed wire (minimum of two strands) shall be installed along the perimeter of each fence, projecting inward toward the area that is enclosed by the fence.

54. The Owner of a Vacant Heritage Property shall:

- a) Post "No Trespassing" signs on all exterior elevations, including all points of access to the property, and on gates and property fencing; and
- b) Post a heritage notice that complies with City planning application graphics and signage standards and states:

HERITAGE NOTICE

*The structure on this property is a designated heritage resource
protected under the Ontario Heritage Act and applicable municipal law.*

Please help us conserve our heritage.

*For more information contact City Heritage staff at 905-874-3825 or
905-874-3744.*

Heritage Attributes

55. In addition to all of the requirements and minimum standards for the maintenance, and security of property set out in this Part V and elsewhere in this By-law, the Owner of a Heritage Property shall:
- a) maintain, preserve and protect the Heritage Attributes to maintain the heritage character, visual and structural heritage integrity of the building or structure; and
 - b) maintain the property in a manner that will ensure the on-going protection and preservation of the existing Heritage Attributes.

Alterations of Heritage Attributes

56. Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the *Ontario Heritage Act*, no owner shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's Heritage Attributes, unless the owner has acquired a heritage permit or other form of written consent from the City of Brampton.
57. Despite any other provisions of this By-law, in the case of buildings and structures located on properties that have been designated under Section 29, 34.5 or 41 of the *Ontario Heritage Act*, no owner shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's Heritage Attributes, unless the owner has acquired a heritage permit or other form of written consent from the City of Brampton.

Repair or Replacement of Heritage Attributes

58. In order to maintain, preserve and protect the Heritage Attributes of a Heritage Property, repair is always preferable to removal or replacement. The Heritage Attributes shall be repaired in a manner that:
- a) minimizes damage to Heritage Attributes;
 - b) maintains the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attributes; and
 - c) is consistent with recognized conservation standards, best practices and processes for the conservation of built heritage resources.
59. Despite any other provisions of this By-law, where it can be demonstrated that the Heritage Attributes of a property cannot be repaired, the Heritage Attributes shall be replaced:
- a) using the same types of materials, design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attribute(s) being replaced.
 - b) where the same types of materials as the original are no longer readily available, alternative or substitute materials and finishes, that generally replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attributes may be used.

Demolition

60. Despite any other provision of this chapter, or the *Building Code Act*, 1992, no building or structure located on property that has been designated under Section 29, 34.5 or 41 of the *Ontario Heritage Act* may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.
61. Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations and provided and maintained with a suitable ground cover.

Conflict

62. If there is a conflict between this Part V and any other provision in this By-law or any other City By-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.

PART VI
(renumbered pursuant to By-law 154-2012)
VACANT LAND

- 50.* (1) Vacant land shall be kept clean and free from rubbish or other debris, and from objects or conditions that may create a health, fire or other hazard.
- (2) Ground vegetation and grass shall be kept cut to afford a reasonable and neat appearance.
- (3) No vehicle which is in a wrecked, discarded, unlicensed, dismantled, or inoperative condition shall be parked, stored or left on vacant land.
- (4) Vehicles, equipment, and materials not appurtenant to the property shall not be stored on vacant land.
- (5) Vacant land shall be graded, filled up, or otherwise drained so as to prevent ponding of storm water except on land used for agricultural purposes.

* **A correction to the numbering of this clause will be made through a future amendment to the Minimum Maintenance By-law.**

PART VII
(renumbered pursuant to By-law 154-2012)
PENALTIES

- 51.* (1) An owner who fails to comply with an order that is final and binding is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.00 for a first offence and to a fine of not more than \$100,000.00 for any subsequent offence **(By-law 101-98, 186-2008)**.
- (2) Despite subsection (1), if a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$100,000.00 for a first offence and \$200,000.00 for any subsequent offence **(By-law 101-98, 186-2008)**.

52.* By-law 11-90 is hereby repealed.

- * **A correction to the numbering of these clauses will be made through a future amendment to the Minimum Maintenance By-law.**

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council, this 10th day of June, 1996.

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by: Peter Robertson, Mayor

Original Signed by: Kathryn Zammit, Deputy City Clerk

SCHEDULE "A" TO BY-LAW 104-96

For Inspections Required for Registration or Licensing unless a fee is provided for in another By-law	\$100.00/per inspection
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For Inspections Required as a result of complaints	\$100.00/per inspection for every inspection
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Property Standards Complaints Process

- ▶ Complaints from the public related to property standards issues are received by the Enforcement Clerks in writing, by telephone or in person, and are entered into a tracking system.
- ▶ Complaints may also be generated proactively by staff
- ▶ A file is created for a Property Standards Officer, which contains the record of the complaint and information about the owner of the property that is subject to the complaint.
- ▶ The Property Standards Officer inspects the property to address the complaint and other property standards violations to determine whether the matter of the complaint constitutes a contravention of the Minimum Maintenance (Property Standards) By-law (see Tab 3).

The Minimum Maintenance (Property Standards) By-law is a by-law passed by the municipality (pursuant to subsection 15.1(3) of the Building Code Act), which basically prescribes standards for the maintenance and occupancy of property within the municipality, and allows a municipality to require repair or maintenance (so that the property conforms with the standards), or to prohibit occupancy or use of property that does not conform with the standards.

- ▶ The Property Standards Officer may complete a Property Standards Inspection Report (PSIR) prior to issuing an order, outlining all the deficiencies on the property found at the time of the inspection. The Officer leaves a copy on site for the property owner. The complaint is then filed for a period of 3 to 14 days, giving the owner time to respond. The officer has the discretion to by-pass the PSIR and issue an order after the first inspection.
- ▶ If a PSIR was issued, the Property Standards Officer returns to the property to confirm compliance or issue a Property Standards Order.
 1. If there is a commitment from the owner to remedy the deficiencies, the Officer will create a Property Standards Order giving the owner a reasonable time to complete the work.
 2. If no commitment has been received from the property owner to remedy the deficiencies, the Property Standards Officer will issue a

Property Standards Order to Comply, as permitted by the *Building Code Act* (see below for more information), outlining the deficiencies and indicating the time required for compliance. This Order will be sent by registered mail to the property owner and all other people that may be affected by the Order.

- ▶ When an Order to Comply is issued, the owner of the subject property has three choices:
 1. comply with the Order,
 2. appeal the Order to the Property Standards Committee (See Tab 5),
 3. request an extension (may not be granted).
- ▶ An Order that is not appealed within 14 days of being served shall be deemed to be confirmed and the property owner must comply with the requirements set out in the Order. If compliance is not achieved, the file is forwarded to the Prosecutions Division for legal action.
- ▶ An Order that is appealed, is not confirmed and the requirements are set down until such time that the Property Standards Committee hears the matter and rules on the appeal from the owner.

Orders to Comply

Property Standards Orders to Comply can be issued (pursuant to subsection 15.2(2) of the *Building Code Act*), if an Officer finds that a property does not conform to the standards prescribed in the Minimum Maintenance By-law. An Order to Comply contains the following: (See Tab 6)

- ▶ **Page 1** – letter to the appellant with the information on when inspections of the property were completed, the name and contact information for the Property Standards Officer, the final date for appeal and the penalties set out for non-compliance of the order.
- ▶ **Page 2** - the date that the order was created, the time required for compliance, and the municipality's powers to do the work necessary to comply the order should the owner fail to comply within the time set out and that the cost of the work shall be at the expense of the owner and shall be added to the Tax Roll, the information that the Property Standards Order to Comply may be

registered against the title of the property described, and the owner's right to file an appeal of the Order within fourteen days.

- ▶ **Page 3** - (identified as Schedule A) sets out the municipal address, the legal description of the subject property, the defects on the property, the location of the defect, the suggested repair, as well as the relevant section of the Minimum Maintenance By-law.
- ▶ **Page 4** - the owner's information, the City of Brampton address, reference to the *Building Code Act* and the Minimum Maintenance By-law.
- ▶ **Page 5** - an affidavit of the Enforcement Clerk that witnessed the execution of the Order.

Procedures Property Standards Appeals Property Standards Committee

Introduction

- ▶ An owner who has been served with a Property Standards Order to Comply and who is not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee, pursuant to Subsection 15.3 (1) of the *Building Code Act*
- ▶ The Property Standards Committee is established under the Minimum Maintenance (Property Standards) By-law, Section 3, pursuant to Subsection 15.6(1) of the Building Code Act
- ▶ The Property Standards Committee has a standing meeting date on the last Thursday of each month to conduct any hearings regarding appeals to Property Standards Orders to Comply. If no appeals are submitted by 3:30 p.m. on the first Thursday of each month, the hearing scheduled for that month is cancelled and notification via email is sent to the following:
 - Property Standards Committee Members
 - Manager of Prosecutions
 - Manager of Property Standards
 - Supervisor(s) of Property Standards
 - Deputy City Clerk
- ▶ Hearings of appeals are conducted under the authority of Subsection 15.3 of the *Building Code Act*
- ▶ The Committee is subject to the *Municipal Conflict of Interest Act*. Basically, the Act addresses what constitutes an indirect pecuniary interest (section 2), and what to do if a direct or indirect pecuniary interest exists. For the purposes of the Act, the pecuniary interest, direct or indirect, of a parent or the spouse, same-sex partner or any child of the Member shall, if known to the Member, be deemed to be also the pecuniary interest of the Member.

- ▶ The Committee is also subject to the *Statutory Powers Procedure Act* which provides basic minimum powers and rules for Ontario's administrative tribunals and agencies. Its purpose is to ensure procedural fairness for applicants. An important element of the Act is that it states that the SPPA, as well as any rule made by a tribunal regarding its own practice and procedure, must be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.

Pre-hearing Process

- ▶ An appeal is commenced by sending a notice of appeal to the City Clerk's Office within 14 days of being served with the Order to Comply – the last date by which an appeal may be filed is noted on the letter accompanying the Order.
- ▶ Appeals to Property Standards Orders to Comply are filed with the City Clerk's Office (the Legislative Coordinator).
- ▶ Appeals are reviewed by the Legislative Coordinator to verify they have been received by the final date for appeals, as noted on the Order to Comply.
- ▶ Appeals received by the final date for appeal are accepted – appeals received after the final date for appeal are refused and the property owner is advised, by letter sent via registered mail, that the appeal has been denied based on late filing. The Order to Comply is deemed confirmed and the owner must comply.

Processing the Notice of Appeal

- ▶ The appeal is reviewed by the Legislative Coordinator to ensure it has been received by the final date of appeal and to ensure the proper information has been provided – where information is missing, the Legislative Coordinator will liaise with the appellant.
- ▶ The Legislative Coordinator scans a copy of the appeal to the Enforcement and By-law Services Division, to the attention of the Enforcement Clerk(s).

- ▶ The Enforcement Clerk prepares the following information which is provided to the Legislative Coordinator:
 - a copy of the Order to Comply
 - related information including affidavits, notices sent to the property owner, etc.
- ▶ The Legislative Coordinator prepares and sends a Notice of Hearing via registered mail to the appellant at least 2 weeks prior to the date of the hearing.

Planning the Property Standards Committee Meeting

- ▶ Appeals received by 3:30 p.m. on the first Thursday of each month will be processed for hearings at the meeting scheduled that month - appeals accepted after this deadline will be processed for the meeting the following month.
- ▶ If no hearings are required for a specific month, the meeting scheduled for that month is cancelled and notification via email is sent to the following:
 - Property Standards Committee Members
 - Manager of Prosecutions
 - Manager of Property Standards
 - Supervisor(s) of Property Standards
 - Deputy City Clerk
- ▶ If the Legislative Coordinator receives a withdrawal of an appeal prior to the hearing date, the Coordinator will send notice that the hearing is cancelled to all parties who received notice or an agenda.
- ▶ The Legislative Coordinator prepares an agenda for the Property Standards Committee Meeting, including a listing of all hearings to be conducted, and emails the agenda package to the Property Standards Committee Members at least 2 weeks prior to the date of the hearing, including:
 - an agenda (a schedule of the hearings to be conducted that day)
 - for each hearing:
 - the notice of hearing
 - the notice of appeal
 - the Order to Comply
 - related information including affidavits, notices sent to the property owner, etc. when applicable
 - a map showing the general location of the subject property

- ▶ The Legislative Coordinator emails a copy of the complete agenda package at the same time the package is sent to the Committee Members, to the following staff:
 - Manager of Prosecutions
 - Manager of Property Standards
 - Supervisor(s) of Property Standards
 - Property Standards Officer(s)
 - Deputy City Clerk
- ▶ If the Legislative Coordinator receives a withdrawal of an appeal prior to the hearing date, the Coordinator will send notice that the hearing is cancelled to all parties who received notice or an agenda as follows:
 - via regular mail to the appellant
 - via e-mail to the following
 - Property Standards Committee Members
 - Manager of Prosecutions
 - Manager of Property Standards
 - Supervisor(s) of Property Standards
 - Property Standards Officer(s)
 - Deputy City Clerk

Site Visits

- ▶ Where a Committee Member decides that a site visit is necessary or desirable, it is important to avoid a situation that results in an interested individual (i.e. a party to a proceeding) discussing issues with a Committee Member outside of the context of the hearing itself, as this can lead to a perception of bias.
- ▶ Remember - the purpose of a site visit is to give context to the evidence, not to gather evidence.
- ▶ A Member should avoid inadvertent “taking of evidence” through conversations with persons at the site. Committee will be provided with evidence relating to the matter at the hearing.
- ▶ However, it may only be practical or necessary to have one Member, or a small number of Members, make the visit and then report back to the other Members.
- ▶ Mileage is paid at the City of Brampton corporate rate when members are required to travel on Committee business

Officer Preparation for Hearing

- ▶ Prior to the hearing date, the Property Standards Officer will attend the subject property to review the outstanding items on the Order to Comply
- ▶ Prior to the hearing date, the Property Standards Officer will meet with the Prosecutor to review the file of the subject property

The Committee Meeting and Hearings

- ▶ The Property Standards Committee Meeting is held as follows:
 - a minimum of three (3) Members of the Committee must be present to achieve quorum
 - if quorum is not achieved within the first 30 minutes of the scheduled start time, all hearings are rescheduled to the next meeting date
 - the Chair will call each hearing to order and will advise the appellants of the meeting procedures as follows:
 - the meeting will be conducted in an informal manner
 - City of Brampton staff will be sworn or affirmed by the Legislative Coordinator and will present their evidence first

Note: Pursuant to the *Statutory Powers Procedures Act* the appellant has the right to be heard first. However, at the discretion of the committee, it is customary for City of Brampton staff to be heard first in order to provide the committee with an overview of the property and relevant background information.

- the appellant will have the opportunity to ask questions of staff with respect to the evidence submitted
- the appellant will be sworn or affirmed by the Legislative Coordinator and will present their evidence
- City of Brampton staff will have the opportunity to ask questions of the appellant
- the Committee Members will then have an opportunity to ask questions of City of Brampton staff and the appellant

- City of Brampton staff will provide a summary of their evidence and make their submissions for a decision of the Committee
- the appellant will provide a summary of their evidence and make his/her submissions for a decision of the Committee
- the Chair will then advise the appellant that the Legislative Coordinator will send out the Notice of Decision within seven (7) days of the date of the hearing and advise that the decision may be appealed to a Justice of the Superior Court by notifying the City Clerk of the City of Brampton in writing, and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after the sending of a copy of the decision of the Property Standards Committee
- The Committee will then adjourn to make a decision

Note: It is not appropriate for a Member of the Committee to leave during the proceedings for 2 reasons:

- so that quorum is not broken
- it may appear to compromise the fairness of the hearing because that Member may not have heard all of the relevant evidence

Making the Decision

- ▶ The Committee will then adjourn to make a decision in accordance with the following provisions of the *Building Code Act*, Section 15.3(3):
 - to confirm, modify or rescind the order to demolish or repair
 - to extend the time for complying with the order, if in the Committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained

Notice of Decision

- ▶ The Legislative Coordinator will prepare the Notice of Decision and will send it out no later than 7 days following the hearing to the appellant via registered mail and to the following staff via email:

- Manager of Prosecutions
 - Manager of Property Standards
 - Supervisor(s) of Property Standards
 - Property Standards Officer(s)
 - Prosecutor
 - Deputy City Clerk
- ▶ The Legislative Coordinator will prepare minutes of the meeting for signature by the participating Committee Members at the next meeting.

Appeal of Decision

- ▶ Pursuant to Section 15.3(4) of the *Building Code Act*, a Decision of the Committee may be appealed to the Superior Court of Justice by the property owner or occupant, or by any person affected by the Decision, by notifying the City Clerk's Office in writing and by applying to the court within 14 days after a copy of the Decision is sent.
- ▶ If an Order to Comply, once confirmed or modified by the Committee (or a Judge of the Superior Court of Justice) is not complied with, the City may undertake the required work, the cost of which will be applied to the property as a lien.

January 21, 2019

Sent via email: sylierna@hotmail.com

Claudette Wyatt
76 Salisbury Circle
Brampton, Ontario
L6V 2Z5

**Re: Property Standards Hearing
76 Salisbury Circle, Brampton
Our File: L11.05/2018**

The Property Standards Committee for the City of Brampton will hold a hearing on:

**Thursday, January 24, 2019 – 09:00 a.m.
Bdrm WT-2C – 2nd Floor – West Tower
2 Wellington Street West, Brampton**

The purpose of this hearing is to hear the appeal of Claudette Wyatt, against an Order of the Property Standards Officer dated October 23, 2018, regarding the property municipally known as **76 Salisbury Circle**, Brampton, Ontario – PLAN 1001 PT LOT 58 RP 43R2525 PART 3, issued under the authority of By-law 104-96, as amended.

Your attendance at this hearing is requested. However, the Committee may proceed in your absence.

Please call to confirm your attendance.

Yours truly,

Tammi Jackson
Legislative Coordinator
City Clerk's Office
T: (905) 874-3829 / F: (905) 874-2119
tammi.jackson@brampton.ca

...cont'd

cc: Property Standards Committee
D. Squires, City Solicitor, Corporate Services
D. Soos, Deputy City Solicitor, Corporate Services
K. Wiedekowsky, Acting Manager of Prosecutions, Corporate Services
P. Morrison, Director, Enforcement and By-law Services
J. Avbar, Manager, Enforcement and By-law Services
P. Chudoba, Supervisor, By-law Enforcement
C. Goddard, Supervisor, By-law Enforcement
D. Smiley, Property Standards Officer



BRAMPTON
Flower City

Agenda

Property Standards Committee

January 24, 2019

9:00 a.m.

**Council Chambers – 4th Floor
City Hall – 2 Wellington Street West**

Members:

**Harjeet Sahota
Parminder Singh Grewal
Harbhajan Singh Dhillon
Janet Grant
Manish Kapoor**

Legislative Coordinator
City Clerk's Office
Tammi Jackson, Tel: 905-874-3829

A. Call to Order

B. Conflicts of Interest

C. Hearings

Hearing #1 – 9:00 a.m.:

File	L11.05/2018
Property	76 Salisbury Circle
Appellant	Claudette Wyatt
Date of OTCs	October 23, 2018
Issued Under	By-law 104-96, as amended
Legal Description	PLAN 1001 PT LOT 58 RP 43R2525 PART 3

D. Adjournment



BRAMPTON
Flower City

Corporate Services
Enforcement and By-Law Services

150 Central Park Drive, Suite # 200
Brampton, ON L6T 2T9
Tel: 905-458-3424
Fax: 905-458-5224

PROPERTY STANDARDS ORDER

By-law No. 104-96, as amended
Issued pursuant to section 15.2(2) & 15.8(1)
of the *Building Code Act, 1992*, R.S.O. 1992, c.23

Legal Description: PLAN 1001 PT LOT 58 RP 43R2525 PART 3	Officer: David Smiley	Telephone No.: 905-458-1394 Email: david.smiley@brampton.ca
Municipal Address: 76 Salisbury Circle Brampton, ON	Compliance Date: Nov 13, 2018	
Owner: CLAUDETTE S. WYATT 76 SALISBURY CIR BRAMPTON, ON L6V 2Z5	Issued To: Owner <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Other <input type="checkbox"/> Delivery Type: Registered Mail <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Other <input type="checkbox"/>	

Date:

Oct 23, 2018

I, **David Smiley**, Property Standards Officer for the City of Brampton hereby give notice that the property identified above does not comply with the minimum standards prescribed in By-law No. 104-96, as amended, the particulars of which are described in Schedule A attached to this Property Standards Order.

**76 Salisbury Circle
Brampton, ON**

YOU ARE HEREBY ORDERED to carry out the repairs necessary to correct the defects as set out in Schedule A attached to this Order. This Order shall be complied with and the property brought into a condition of compliance with the prescribed standards or the site cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition in accordance with any permits required by law **on or before the compliance date of Nov 13, 2018**

WHERE it has been determined that the necessary repairs or demolition have not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action the City of Brampton may cause the property to be repaired or demolished and the costs of such actions may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the assessment roll and collected in the same manner and with the same priorities as municipal real property taxes.

Subsection 15.3(1) of the *Building Code Act, 1992* provides that:

"An owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order."

If you are not satisfied with the terms or conditions of this Order, you have the **right to appeal this Order** to the Property Standards Committee by sending a Notice of Appeal along with the applicable fee of \$125.00 to the Secretary of the Property Standards Committee (full address below) **by registered mail by no later than the final date for giving notice of appeal that is set out below.**

FINAL DATE FOR GIVING NOTICE OF APPEAL: Nov 13, 2018.

A Notice of Appeal shall contain:

- (a) A copy of the Property Standards Order;

- (b) A statement setting out the reasons for the appeal;
- (c) The name, telephone number, email address, and address for service of the Appellant or the Appellant's Representative if represented; and
- (d) A non-refundable appeal fee of \$125.00 made payable to the City of Brampton.

Secretary Address:

Secretary of the Property Standards Committee
City of Brampton
Office of the City Clerk,
2 Wellington Street West
Brampton, ON L6Y 4R2

In the event that no appeal is taken within the prescribed time, this Order shall be deemed confirmed, final, and binding, requiring the property owner to comply with the terms within the time and the manner specified.

Oct 23, 2018

Date Order Issued

David Smiley
Property Standards Officer

Please note that this Order does not represent an exhaustive list of possible violations of other applicable statutes and by-laws.

You are responsible for ensuring compliance with the *Ontario Fire Code*, the *Ontario Building Code*, the *Planning Act* and other applicable statutes or regulations such as Zoning By-laws in relation to this property, whether any such requirements have been identified in this Order or not.

Court File No:

ONTARIO COURT OF JUSTICE

BETWEEN:

THE CORPORATION OF THE CITY OF BRAMPTON

Plaintiff

-AND-

CLAUDETTE S. WYATT

Defendant

AFFIDAVIT OF SERVICE

I, Gord Sherman, of the City of Brampton, Regional Municipality of Peel, in the province of Ontario, make oath and say:

THAT on the 23RD day of OCTOBER, 2018 I did mail the property owner Claudette S. Wyatt with a copy of this Order by registered mail, to the owners last known address of:

76 Salisbury Cir, Brampton, ON, L6V 2Z5

Dated this _____ day of _____, _____

At the City of Brampton

Signed: _____

Gord Sherman

Sworn by the said Gord Sherman
before me, at Brampton, Ontario
on the _____ day of _____, _____.

A Commissioner, for taking affidavits, etc.

Address: 5 Ray Lawson Boulevard
2ND Floor
Brampton, Ontario L6Y 5L7
(905) 450-7211
(905) 874-2699

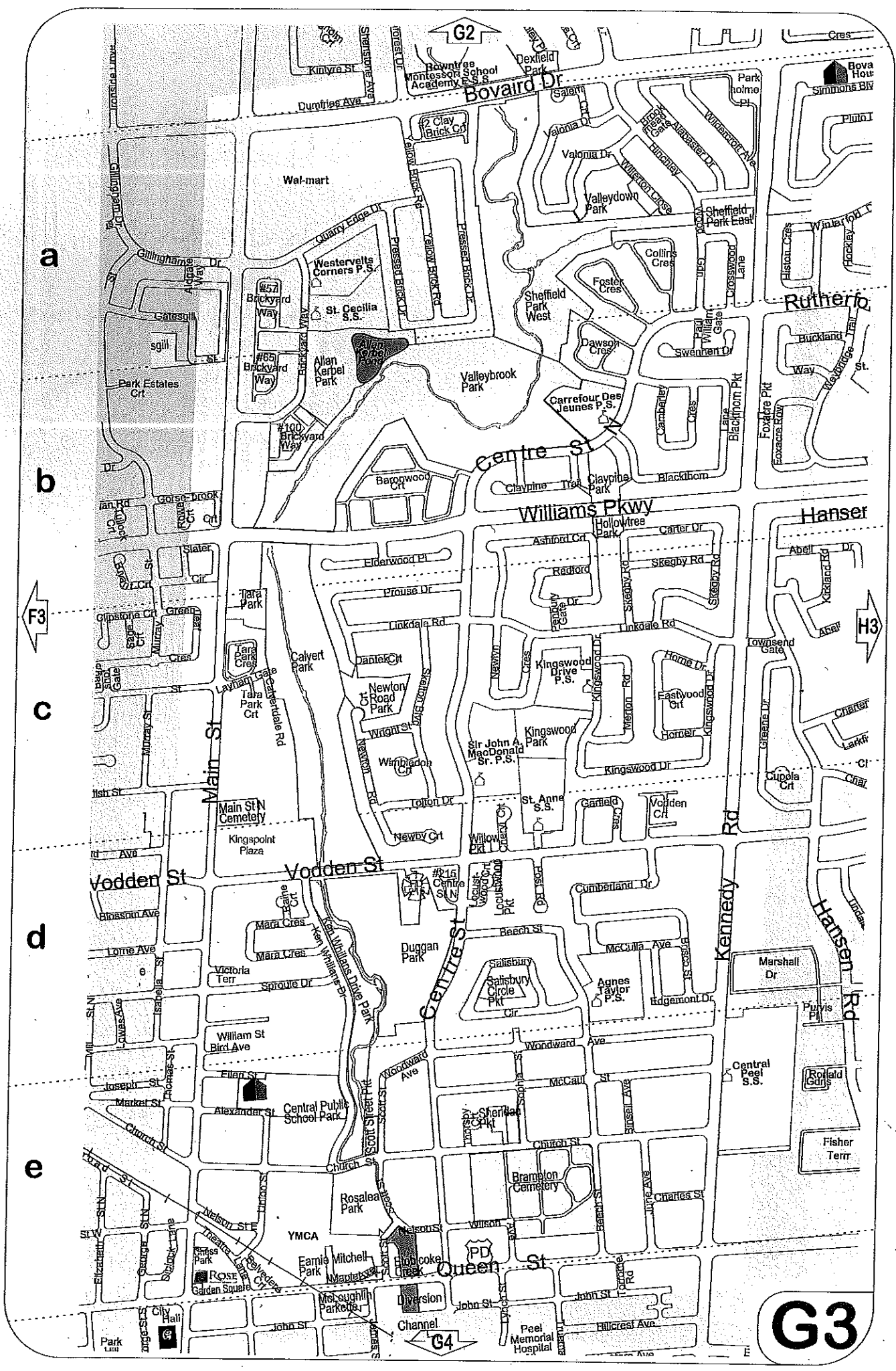
TO: The Clerk of the Court

SCHEDULE "A"

MUNICIPAL ADDRESS: 76 Salisbury Cir Brampton ON

LEGAL DESCRIPTION: PLAN 1001 PT LOT 58 RP 43R2525 PART 3

NO.	DEFECTS	LOCATION	NECESSARY REPAIR	BY-LAW SECTION
1	All fences, retaining walls and structures appurtenant to a property, shall be kept in good repair, free from hazards, and where required, protected by paint, preservative or other weather resistant material unless the characteristics of the fence, retaining wall, screen or enclosure are designed to be enhanced by the lack of such material. All fences, retaining walls and other such structures shall be constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.	Retaining wall and fence	Repair or replace retaining wall and fence to a structural and vertically sound condition.	11



G3

January 29, 2019

Registered Mail

Claudette Wyatt
76 Salisbury Circle
Brampton, Ontario
L6V 2Z5

Re: Property Standards Committee – Notice of Decision
76 Salisbury Circle, Brampton
Our File: L11.05/2018

Enclosed is the Decision of the Property Standards Committee resulting from the hearing held on January 24, 2019, regarding the Property Standards Order dated October 23, 2018.

Yours truly,

Tammi Jackson

Tammi Jackson
Legislative Coordinator
City Clerk's Office
Tel: 905.874.3829 / Fax: 905.874.2119
tammi.jackson@brampton.ca

/attach

cc: J. Pittari, Commissioner, Corporate Services
D. Squires, City Solicitor, Corporate Services
D. Soos, Deputy City Solicitor, Corporate Services
P. Fay, City Clerk, Office of the Chief Administrative Officer
C. Gravlev, Deputy City Clerk, Office of the Chief Administrative Officer
J. Gillespie, Manager of Prosecutions, Corporate Services
K. Wiedekowsky, Prosecutor, Legal Services
J. Avbar, Manager, Enforcement and Property Standards, Corporate Services
P. Chudoba, Supervisor, By-law Enforcement, Corporate Services
C. Goddard, Supervisor, By-law Enforcement, Corporate Services
D. Smiley, Property Standards Officer, Corporate Service

In The Matter of an appeal of Claudette Wyatt, regarding the property PLAN 1001 PT LOT 58 RP 43R2525 PART 3, municipally known as 76 Salisbury, Brampton, issued under the Property Standards By-law 104-96, as amended.

The Property Standards Committee of the City of Brampton held a hearing on Thursday, January 24, 2019, in the Council Chambers, 2nd Floor, West Tower, 2 Wellington Street West, Brampton.

Decision

That the appeal of Claudette Wyatt, against an Order of the Property Standards Officer dated October 23, 2019, regarding the property PLAN 1001 PT LOT 58 RP 43R2525 PART 3, municipally known as 76 Salisbury Circle, Brampton, **not be granted** and that the Order **be confirmed as amended** by the Property Standards Committee as follows:

- **To provide an extension of time for compliance until June 30, 2019; and,**
- **Be requested to enter into a contract by March 1 2019 for the necessary work to be undertaken and a copy be presented to Enforcement.**

That the owner comply with the items listed in Schedule "A" of the Order, in accordance with the requirements of By-law 104-96, as amended.

MUNICIPAL ADDRESS: 76 Salisbury Cir Brampton ON

LEGAL DESCRIPTION: PLAN 1001 PT LOT 58 RP 43R2525 PART 3

NO.	DEFECTS	LOCATION	NECESSARY REPAIR	BY-LAW SECTION
1	All fences, retaining walls and structures appurtenant to a property, shall be kept in good repair, free from hazards, and where required, protected by paint, preservative or other weather resistant material unless the characteristics of the fence, retaining wall, screen or enclosure are designed to be enhanced by the lack of such material. All fences, retaining walls and other such structures shall be constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.	Retaining wall and fence	Repair or replace retaining wall and fence to a structural and vertically sound condition.	11

Dated at The Corporation of the City of Brampton on this 29th day of January 2019.

Tammi Jackson
Legislative Coordinator
City Clerk's Office
City of Brampton
2 Wellington Street West
Brampton, Ontario, L6Y 4R2
Tammi.jackson@brampton.ca

Note: *The Corporation of the City of Brampton or any owner or occupant affected by a decision of the Property Standards Committee, may appeal to a Justice of the Superior Court by notifying the Clerk of the City of Brampton in writing, and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after the sending of a copy of the Decision of the Property Standards Committee.*

Procedure By-law - At a Glance For Council Committees and Citizen Advisory Committees	
Additions to an Agenda	Additions to the agenda for a Committee meeting are permitted by a two-thirds majority vote.
Amendments	If an amendment is not contrary, it is voted on before the main motion. The last amendment made is voted on first.
Attendance	If any member of a Committee fails to attend three consecutive regular meetings of that Committee without authorization by Council resolution, that citizen's membership on the Committee is terminated and Council will appoint a new person to fill the vacancy.
Call the Question	The vote will be taken after any member who has not already spoken and wishes to, has spoken. If a member speaks to the motion, he/she may not then immediately call the question.
Chair Not Present	If the Committee Chair does not attend within 15 minutes of the meeting start time, the Co-Chair, Vice-Chair, or other member, will assume the Chair for the meeting, until the arrival of the Chair.
Conflict of Interest	A member is required to declare a conflict of interest prior to any consideration of the matter and to disclose the general nature of the conflict. The conflict must relate to a direct or indirect pecuniary interest, eg. positive or negative financial interest, affecting the member or the member's spouse, child or parent. The member shall not participate in the discussion, vote on any motion regarding the matter, or attempt in any way to influence the voting before, during or after the meeting. Please refer to the <i>Municipal Conflict of Interest Act</i> .
Defer (to a Future Meeting)	To postpone consideration of a matter to a future meeting, the vote on a deferral is taken immediately, that is, there is no discussion or debate on the motion to defer.
Delegations	A delegation is limited to speaking for a maximum of five minutes, unless an extension is agreed upon. If the subject of the delegation is not a matter on the agenda, it will be received without comment and referred to staff for a report, unless there is a majority vote to simply receive the delegation. Delegation requests are directed by the City Clerk's Office to the appropriate Committee.
Interrupt a Speaker	A member is prohibited from interrupting a speaker except on a point of order or point of privilege.
Last Speaker to a Motion	The mover has the right to be the last speaker unless the question is called and then those rules apply (see above).
Minutes	The minutes of each Committee meeting will be presented at the next regular meeting of the appropriate Standing Committee or Council for approval of the recommendations and receipt of the minutes. The Standing Committee or Council may debate and amend any matter contained within the Committee minutes.
Order of Speakers	The order of speakers is as announced by the Chair. Only a speaker may make a motion.
Point of Order	A point of order may be raised at any time, eg. for a breach of the rules.

Point of Privilege	A point of privilege may be raised at any time, eg. for a challenge to the Council's or member's integrity, statements naming a member, rights / privileges of Council, eg. incorrect minutes, conduct of staff/visitors, comfort of members, eg. noise, heat.
Public Question Period	A member of the public in attendance may ask a question regarding a matter on the agenda only. A maximum of 15 minutes is allowed for all public questions.
* Quorum *	A majority of Committee members is required to be present and seated in order to constitute a quorum, unless a Committee terms of reference specify different quorum provisions. If a quorum is not achieved within 30 minutes of the meeting start time, the Legislative Co-ordinator will record the name of the members present and the meeting will not be called to order. If quorum is lost during a meeting, the meeting is recessed and will reconvene when quorum is regained. If quorum is not regained within 30 minutes, the Legislative Co-ordinator will record in the minutes the names of those present and the meeting will end without formal adjournment. The items that were not considered will be placed on the agenda of the next meeting.
Recorded Vote	Any Committee member may request a recorded vote at a Committee meeting.
Recount Vote	A recount may be requested only immediately after the declaration of the vote by the Chair.
Refer (to a Committee or Person Named in the Motion)	A motion to refer will send or direct a matter to another Committee, staff or official named in the motion, for further work or consideration. This motion is debatable, but only the merits of the referral, not the subject. In order to continue to discuss the subject, the motion to refer must be defeated.
Reopen the Question	To discuss a matter already voted on at a meeting, a two-thirds majority is required to reopen the question. To discuss a matter from a previous meeting, a two-thirds majority is required by Council Resolution. If a motion to reopen is lost, it cannot be raised again during the current term of Council.
Speaking – Number of Times a Member may Speak	A Committee member may speak initially for five minutes. He/she may not speak again until everyone else who wants to, has spoken. A member may then speak a second time for five minutes. There is no restriction on the number of times a member may speak.

The above are selected extracts from Procedure By-law 160-2004, as amended. For further information, please refer to the Procedure By-law and/or contact the City Clerk's Office.

May 11, 2015

Municipal Conflict of Interest Act

R.S.O. 1990, CHAPTER M.50

Consolidation Period: From March 26, 2019 to the [e-Laws currency date](#).

Last amendment: 2019, c. 1, Sched. 4, s. 35.

Legislative History: 1994, c. 23, s. 2; 1996, c. 32, s. 76; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156; 1999, c. 6, s. 41; 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. C, s. 33; 2006, c. 32, Sched. D, s. 10; 2007, c. 7, Sched. 27; 2007, c. 8, s. 219; 2009, c. 33, Sched. 21, s. 7; 2016, c. 23, s. 58; 2017, c. 10, Sched. 3; 2018, c. 3, Sched. 5, s. 37 (see: 2019, c. 1, Sched. 3, s. 5); 2019, c. 1, Sched. 4, s. 35.

CONTENTS

1.	Definitions
1.1	Principles
2.	Indirect pecuniary interest
3.	Interest of certain persons deemed that of member
	EXCEPTIONS
4.	Where s. 5 does not apply
	DUTY OF MEMBER
5.	When present at meeting at which matter considered
5.1	Written statement re disclosure
5.2	Influence
	RECORD OF DISCLOSURE
6.	Disclosure to be recorded in minutes
	REGISTRY
6.1	Requirement to establish registry
	REMEDY FOR LACK OF QUORUM
7.	Quorum deemed constituted
	ACTION WHERE CONTRAVENTION ALLEGED
8.	Application
9.	Power of judge
11.	Appeal to Divisional Court
12.	Proceedings not invalidated but voidable
13.	Other proceedings prohibited
	GENERAL
14.	Insurance
15.	Conflict with other Acts

Definitions

1 In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

- (a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and
- (b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Superior Court of Justice; (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in section 1 of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 35)

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family; (“père ou mère”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219; 2016, c. 23, s. 58.

Section Amendments with date in force (d/m/y)

1997, c. 31, s. 156 (1) - 01/01/1998; 1999, c. 6, s. 41 (1) - 01/03/2000

2002, c. 17, Sched. F, Table - 01/01/2003

2005, c. 5, s. 45 (1, 2) - 13/06/2005

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006; 2006, c. 32, Sched. D, s. 10 - 01/01/2007

2007, c. 8, s. 219 - 01/07/2010

2016, c. 23, s. 58 - 01/01/2017

2018, c. 3, Sched. 5, s. 37 - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 35 - not in force

Principles

1.1 The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interests of members.

3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise. 2017, c. 10, Sched. 3, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 1 - 01/03/2019

Indirect pecuniary interest

2 For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public,
 - or
 - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

3 For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

Section Amendments with date in force (d/m/y)

1999, c. 6, s. 41 (2) - 01/03/2000

2005, c. 5, s. 45 (3) - 13/06/2005

EXCEPTIONS

Where ss. 5 and 5.2 do not apply

4 Sections 5 and 5.2 do not apply to a pecuniary interest in any matter that a member may have,

- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

- (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1); 2017, c. 10, Sched. 3, s. 2.

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (1) - 01/01/2007

2017, c. 10, Sched. 3, s. 2 - 01/03/2019

DUTY OF MEMBER

When present at meeting at which matter considered

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

Exception, consideration of penalty

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration. 2017, c. 10, Sched. 3, s. 3.

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 3 - 01/03/2019

Written statement re disclosure

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 4 - 01/03/2019

Influence

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

Exception

(2) However, if a municipality delegates a power to suspend the remuneration paid to a member under subsection 223.4 (5) of the *Municipal Act, 2001* or subsection 160 (5) of the *City of Toronto Act, 2006* to a person or body, and the person or body is considering exercising that power with respect to a member, subsection (1) of this section does not prevent the member from attempting to influence any decision or recommendation of the person or body that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 4 - 01/03/2019

RECORD OF DISCLOSURE

Disclosure to be recorded in minutes

6 (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

REGISTRY

Requirement to establish registry

6.1 (1) Every municipality and local board shall establish and maintain a registry in which shall be kept,

- (a) a copy of each statement filed under section 5.1; and
- (b) a copy of each declaration recorded under section 6. 2017, c. 10, Sched. 3, s. 5.

Access to registry

(2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine. 2017, c. 10, Sched. 3, s. 5.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 5 - 01/03/2019

REMEDY FOR LACK OF QUORUM

Quorum deemed constituted

7 (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

Power of judge to declare s. 5, 5.1 or 5.2 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5, 5.1 or 5.2 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3); 2017, c. 10, Sched. 3, s. 6.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 6 - 01/03/2019

ACTION WHERE CONTRAVENTION ALLEGED

Application

8 (1) An elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest may apply to a judge for a determination of the question of whether,

- (a) a member has contravened section 5, 5.1 or 5.2; or
- (b) a former member contravened section 5, 5.1 or 5.2 while he or she was a member. 2017, c. 10, Sched. 3, s. 7.

Six-week period

(2) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

Exception

(3) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if all of the following conditions are satisfied:

1. The applicant applied to an Integrity Commissioner for an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* in accordance with those sections.
2. The Integrity Commissioner conducted an inquiry under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006* and the Commissioner,
 - i. has advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
 - ii. has not completed the inquiry within the time limit set out in subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006*, or
 - iii. has terminated the inquiry under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*.
3. The application under this section includes a copy of the applicant's statutory declaration made under subsection 223.4.1 (6) of the *Municipal Act, 2001* or under subsection 160.1 (6) of the *City of Toronto Act, 2006*.
4. The application under this section is made within six weeks after the earlier of the following,
 - i. the day the Commissioner advised the applicant under subsection 223.4.1 (16) of the *Municipal Act, 2001* or under subsection 160.1 (16) of the *City of Toronto Act, 2006* that the Commissioner will not be making an application to a judge,
 - ii. the last day on which the Commissioner is required under subsection 223.4.1 (14) of the *Municipal Act, 2001* or subsection 160.1 (14) of the *City of Toronto Act, 2006* to complete the inquiry referred to in paragraph 2 of this subsection, and
 - iii. the day the inquiry was terminated under subsection 223.4.1 (12) of the *Municipal Act, 2001* or subsection 160.1 (12) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

Same, application by Integrity Commissioner

(4) Despite subsection (2), an application may be made more than six weeks after the applicant became aware of the alleged contravention if the applicant is an Integrity Commissioner and if the application relates to an inquiry conducted by the Commissioner under section 223.4.1 of the *Municipal Act, 2001* or under section 160.1 of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 7.

No application by Integrity Commissioner during regular election

(5) No application shall be made by an Integrity Commissioner of a municipality during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 3, s. 7.

Limitation

(6) Despite subsections (2), (3) and (4), no application shall be made after the sixth anniversary of the alleged contravention. 2017, c. 10, Sched. 3, s. 7.

Contents of notice of application

(7) The notice of application shall state the grounds for finding that the member or former member contravened section 5, 5.1 or 5.2. 2017, c. 10, Sched. 3, s. 7.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

Power of judge

9 (1) If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be. 2017, c. 10, Sched. 3, s. 7.

Same

(2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,

- (a) took reasonable measures to prevent the contravention;
- (b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* and acted in accordance with the advice, if any, provided to the member by the Commissioner; or
- (c) committed the contravention through inadvertence or by reason of an error in judgment made in good faith. 2017, c. 10, Sched. 3, s. 7.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

10 REPEALED: 2017, c. 10, Sched. 3, s. 7.

Section Amendments with date in force (d/m/y)

1997, c. 31, s. 156 (2) - 01/01/1998

2017, c. 10, Sched. 3, s. 7 - 01/03/2019

Appeal to Divisional Court

11 (1) An appeal lies from any order made under section 9 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1); 2017, c. 10, Sched. 3, s. 8.

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 8 - 01/03/2019

Proceedings not invalidated but voidable

12 (1) A member's failure to comply with section 5, 5.1 or 5.2 does not invalidate any proceedings in respect of a matter referred to in those sections, but those proceedings are voidable in the circumstances described in subsection (2). 2017, c. 10, Sched. 3, s. 9.

Declaring proceedings void

(2) Subject to subsection (3), if a member has failed to comply with section 5, 5.1 or 5.2 in respect of a matter referred to in those sections, the municipality or local board, as the case may be, may declare the proceedings to be void before the second anniversary of the date of the passing of the by-law or resolution authorizing the matter. 2017, c. 10, Sched. 3, s. 9.

Exception

(3) Subsection (2) does not apply if declaring the proceedings to be void would adversely affect the rights that any person who acted in good faith and without actual notice of the failure to comply with section 5, 5.1 or 5.2 acquired under or by virtue of the proceedings. 2017, c. 10, Sched. 3, s. 9.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

Other proceedings prohibited

13 (1) A proceeding that relates to a member's or former member's alleged conflict of interest and seeks a remedy described in subsection 9 (1) shall be brought only under this Act. 2017, c. 10, Sched. 3, s. 9.

Same

(2) Subsection (1) does not affect the power of a municipality or a local board to reprimand a member or suspend a member's remuneration under subsection 223.4 (5) or (6) of the *Municipal Act, 2001* or under subsection 160 (5) or (6) of the *City of Toronto Act, 2006*. 2017, c. 10, Sched. 3, s. 9.

Section Amendments with date in force (d/m/y)

2017, c. 10, Sched. 3, s. 9 - 01/03/2019

GENERAL

Insurance

14 (1) Despite section 279 of the *Municipal Act, 2001* or section 218 of the *City of Toronto Act, 2006*, as the case may be, the council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
- (b) despite the *Insurance Act*, to enable the municipality to act as an insurer; and
- (c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act*,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, 5.1 or 5.2 against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying

on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2); 2017, c. 10, Sched. 3, s. 10 (1).

***Insurance Act* does not apply**

(2) The *Insurance Act* does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

Surplus funds

(3) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with subsection 279 (2) of the *Municipal Act, 2001* or subsection 218 (3) of the *City of Toronto Act, 2006*, as the case may be. 2017, c. 10, Sched. 3, s. 10 (2).

Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. R.S.O. 1990, c. M.50, s. 14 (4); 2009, c. 33, Sched. 21, s. 7.

Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

Section Amendments with date in force (d/m/y)

1996, c. 32, s. 76 (1) - 06/03/1997

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 33 (2, 3) - 01/01/2007

2007, c. 7, Sched. 27, s. 1 - 05/05/2008

2009, c. 33, Sched. 21, s. 7 - 15/12/2009

2017, c. 10, Sched. 3, s. 10 (1) - 01/03/2019; 2017, c. 10, Sched. 3, s. 10 (2) - 01/03/2018

Conflict with other Acts

15 In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

Français

[Back to top](#)

Statutory Powers Procedure Act

R.S.O. 1990, CHAPTER S.22

Consolidation Period: From November 3, 2015 to the [e-Laws currency date](#).

Last amendment: 2015, c. 23, s. 5.

Legislative History: 1993, c. 27, Sched.; 1994, c. 27, s. 56; 1997, c. 23, s. 13; 1999, c. 12, Sched. B, s. 16; 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. B, s. 21; 2006, c. 19, Sched. C, s. 1 (1, 2, 4); 2006, c. 21, Sched. C, s. 134; 2006, c. 21, Sched. F, s. 136 (1); 2009, c. 33, Sched. 6, s. 87; 2015, c. 23, s. 5.

CONTENTS

1.	Interpretation
2.	Liberal construction of Act and rules
3.	Application of Act
4.	Waiver
4.1	Disposition without hearing
4.2	Panels, certain matters
4.2.1	Panel of one, reduced panel
4.3	Expiry of term
4.4	Incapacity of member
4.5	Decision not to process commencement of proceeding
4.6	Dismissal of proceeding without hearing
4.7	Classifying proceedings
4.8	Alternative dispute resolution
4.9	Mediators, etc.: not compellable, notes not evidence
5.	Parties
5.1	Written hearings
5.2	Electronic hearings
5.2.1	Different kinds of hearings in one proceeding
5.3	Pre-hearing conferences
5.4	Disclosure
6.	Notice of hearing
7.	Effect of non-attendance at hearing after due notice
8.	Where character, etc., of a party is in issue
9.	Hearings to be public; maintenance of order
9.1	Proceedings involving similar questions
10.	Right to representation
10.1	Examination of witnesses
11.	Rights of witnesses to representation
12.	Summonses
13.	Contempt proceedings
14.	Protection for witnesses
15.	Evidence
15.1	Use of previously admitted evidence
15.2	Witness panels
16.	Notice of facts and opinions
16.1	Interim decisions and orders
16.2	Time frames
17.	Decision; interest
17.1	Costs
18.	Notice of decision
19.	Enforcement of orders
20.	Record of proceeding
21.	Adjournments

<u>21.1</u>	Correction of errors
<u>21.2</u>	Power to review
<u>22.</u>	Administration of oaths
<u>23.</u>	Powers re control of proceedings
<u>24.</u>	Notice, etc.
<u>25.</u>	Appeal operates as stay, exception
<u>25.0.1</u>	Control of process
<u>25.1</u>	Rules
<u>26.</u>	Regulations
<u>27.</u>	Rules, etc., available to public
<u>28.</u>	Substantial compliance
<u>32.</u>	Conflict

Interpretation

1. (1) In this Act,

“electronic hearing” means a hearing held by conference telephone or some other form of electronic technology allowing persons to hear one another; (“audience électronique”)

“hearing” means a hearing in any proceeding; (“audience”)

“licence” includes any permit, certificate, approval, registration or similar form of permission required by law; (“autorisation”)

“municipality” has the same meaning as in the *Municipal Affairs Act*; (“municipalité”)

“oral hearing” means a hearing at which the parties or their representatives attend before the tribunal in person; (“audience orale”)

“proceeding” means a proceeding to which this Act applies; (“instance”)

“representative” means, in respect of a proceeding to which this Act applies, a person authorized under the *Law Society Act* to represent a person in that proceeding; (“représentant”)

“statutory power of decision” means a power or right, conferred by or under a statute, to make a decision deciding or prescribing,

(a) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or

(b) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not; (“compétence légale de décision”)

“tribunal” means one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under a statute; (“tribunal”)

“written hearing” means a hearing held by means of the exchange of documents, whether in written form or by electronic means. (“audience écrite”) R.S.O. 1990, c. S.22, s. 1 (1); 1994, c. 27, s. 56 (1-3); 2002, c. 17, Sched. F, Table; 2006, c. 21, Sched. C, s. 134 (1, 2).

Meaning of “person” extended

(2) A municipality, an unincorporated association of employers, a trade union or council of trade unions who may be a party to a proceeding in the exercise of a statutory power of decision under the statute conferring the power shall be deemed to be a person for the purpose of any provision of this Act or of any rule made under this Act that applies to parties. R.S.O. 1990, c. S.22, s. 1 (2).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (1-3) - 1/04/1995

2002, c. 17, Sched. F, Table - 1/01/2003

2006, c. 21, Sched. C, s. 134 (1, 2) - 1/05/2007

Liberal construction of Act and rules

2. This Act, and any rule made by a tribunal under subsection 17.1 (4) or section 25.1, shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits. 1999, c. 12, Sched. B, s. 16 (1); 2006, c. 19, Sched. B, s. 21 (1).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (1) - 14/02/2000

2006, c. 19, Sched. B, s. 21 (1) - 22/06/2006

Application of Act

3. (1) Subject to subsection (2), this Act applies to a proceeding by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceeding an opportunity for a hearing before making a decision. R.S.O. 1990, c. S.22, s. 3 (1); 1994, c. 27, s. 56 (5).

Where Act does not apply

- (2) This Act does not apply to a proceeding,
 - (a) before the Assembly or any committee of the Assembly;
 - (b) in or before,
 - (i) the Court of Appeal,
 - (ii) the Superior Court of Justice,
 - (iii) the Ontario Court of Justice,
 - (iv) the Family Court of the Superior Court of Justice,
 - (v) the Small Claims Court, or
 - (vi) a justice of the peace;
 - (c) to which the Rules of Civil Procedure apply;
 - (d) before an arbitrator to which the *Arbitrations Act* or the *Labour Relations Act* applies;
 - (e) at a coroner's inquest;
 - (f) of a commission appointed under the *Public Inquiries Act, 2009*;
 - (g) of one or more persons required to make an investigation and to make a report, with or without recommendations, where the report is for the information or advice of the person to whom it is made and does not in any way legally bind or limit that person in any decision he or she may have power to make; or
 - (h) of a tribunal empowered to make regulations, rules or by-laws in so far as its power to make regulations, rules or by-laws is concerned. R.S.O. 1990, c. S.22, s. 3 (2); 1994, c. 27, s. 56 (6); 2006, c. 19, Sched. C, s. 1 (1, 2, 4); 2009, c. 33, Sched. 6, s. 87.

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (5, 6) - 1/04/1995

2006, c. 19, Sched. C, s. 1 (1, 2, 4) - 22/06/2006

2009, c. 33, Sched. 6, s. 87 - 1/06/2011

Waiver

Waiver of procedural requirement

4. (1) Any procedural requirement of this Act, or of another Act or a regulation that applies to a proceeding, may be waived with the consent of the parties and the tribunal. 1997, c. 23, s. 13 (1).

Same, rules

(2) Any provision of a tribunal's rules made under section 25.1 may be waived in accordance with the rules. 1994, c. 27, s. 56 (7).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (7) - 1/04/1995; 1997, c. 23, s. 13 (1) - 28/11/1997

Disposition without hearing

4.1 If the parties consent, a proceeding may be disposed of by a decision of the tribunal given without a hearing, unless another Act or a regulation that applies to the proceeding provides otherwise. 1997, c. 23, s. 13 (2).

Section Amendments with date in force (d/m/y)

1997, c. 23, s. 13 (2) - 28/11/1997

Panels, certain matters

4.2 (1) A procedural or interlocutory matter in a proceeding may be heard and determined by a panel consisting of one or more members of the tribunal, as assigned by the chair of the tribunal. 1994, c. 27, s. 56 (8).

Assignments

(2) In assigning members of the tribunal to a panel, the chair shall take into consideration any requirement imposed by another Act or a regulation that applies to the proceeding that the tribunal be representative of specific interests. 1997, c. 23, s. 13 (3).

Decision of panel

(3) The decision of a majority of the members of a panel, or their unanimous decision in the case of a two-member panel, is the tribunal's decision. 1994, c. 27, s. 56 (8).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (8) - 1/04/1995; 1997, c. 23, s. 13 (3) - 28/11/1997

Panel of one, reduced panel

Panel of one

4.2.1 (1) The chair of a tribunal may decide that a proceeding be heard by a panel of one person and assign the person to hear the proceeding unless there is a statutory requirement in another Act that the proceeding be heard by a panel of more than one person.

Reduction in number of panel members

(2) Where there is a statutory requirement in another Act that a proceeding be heard by a panel of a specified number of persons, the chair of the tribunal may assign to the panel one person or any lesser number of persons than the number specified in the other Act if all parties to the proceeding consent. 1999, c. 12, Sched. B, s. 16 (2).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (2) - 14/02/2000

Expiry of term

4.3 If the term of office of a member of a tribunal who has participated in a hearing expires before a decision is given, the term shall be deemed to continue, but only for the purpose of participating in the decision and for no other purpose. 1997, c. 23, s. 13 (4).

Section Amendments with date in force (d/m/y)

1997, c. 23, s. 13 (4) - 28/11/1997

Incapacity of member

4.4 (1) If a member of a tribunal who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision. 1994, c. 27, s. 56 (9).

Other Acts and regulations

(2) Subsection (1) does not apply if another Act or a regulation specifically deals with the issue of what takes place in the circumstances described in subsection (1). 1997, c. 23, s. 13 (5).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (9) - 1/04/1995; 1997, c. 23, s. 13 (5) - 28/11/1997

Decision not to process commencement of proceeding

4.5 (1) Subject to subsection (3), upon receiving documents relating to the commencement of a proceeding, a tribunal or its administrative staff may decide not to process the documents relating to the commencement of the proceeding if,

- (a) the documents are incomplete;
- (b) the documents are received after the time required for commencing the proceeding has elapsed;
- (c) the fee required for commencing the proceeding is not paid; or
- (d) there is some other technical defect in the commencement of the proceeding.

Notice

(2) A tribunal or its administrative staff shall give the party who commences a proceeding notice of its decision under subsection (1) and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents.

Rules under s. 25.1

(3) A tribunal or its administrative staff shall not make a decision under subsection (1) unless the tribunal has made rules under section 25.1 respecting the making of such decisions and those rules shall set out,

- (a) any of the grounds referred to in subsection (1) upon which the tribunal or its administrative staff may decide not to process the documents relating to the commencement of a proceeding; and
- (b) the requirements for the processing of the documents to be resumed.

Continuance of provisions in other statutes

(4) Despite section 32, nothing in this section shall prevent a tribunal or its administrative staff from deciding not to process documents relating to the commencement of a proceeding on grounds that differ from those referred to in subsection (1) or without complying with subsection (2) or (3) if the tribunal or its staff does so in accordance with the provisions of an Act that are in force on the day this section comes into force. 1999, c. 12, Sched. B, s. 16 (3).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

Dismissal of proceeding without hearing

4.6 (1) Subject to subsections (5) and (6), a tribunal may dismiss a proceeding without a hearing if,

- (a) the proceeding is frivolous, vexatious or is commenced in bad faith;
- (b) the proceeding relates to matters that are outside the jurisdiction of the tribunal; or
- (c) some aspect of the statutory requirements for bringing the proceeding has not been met.

Notice

(2) Before dismissing a proceeding under this section, a tribunal shall give notice of its intention to dismiss the proceeding to,

- (a) all parties to the proceeding if the proceeding is being dismissed for reasons referred to in clause (1) (b); or
- (b) the party who commences the proceeding if the proceeding is being dismissed for any other reason.

Same

(3) The notice of intention to dismiss a proceeding shall set out the reasons for the dismissal and inform the parties of their right to make written submissions to the tribunal with respect to the dismissal within the time specified in the notice.

Right to make submissions

(4) A party who receives a notice under subsection (2) may make written submissions to the tribunal with respect to the dismissal within the time specified in the notice.

Dismissal

(5) A tribunal shall not dismiss a proceeding under this section until it has given notice under subsection (2) and considered any submissions made under subsection (4).

Rules

(6) A tribunal shall not dismiss a proceeding under this section unless it has made rules under section 25.1 respecting the early dismissal of proceedings and those rules shall include,

- (a) any of the grounds referred to in subsection (1) upon which a proceeding may be dismissed;
- (b) the right of the parties who are entitled to receive notice under subsection (2) to make submissions with respect to the dismissal; and
- (c) the time within which the submissions must be made.

Continuance of provisions in other statutes

(7) Despite section 32, nothing in this section shall prevent a tribunal from dismissing a proceeding on grounds other than those referred to in subsection (1) or without complying with subsections (2) to (6) if the tribunal dismisses the proceeding in accordance with the provisions of an Act that are in force on the day this section comes into force. 1999, c. 12, Sched. B, s. 16 (3).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

Classifying proceedings

4.7 A tribunal may make rules under section 25.1 classifying the types of proceedings that come before it and setting guidelines as to the procedural steps or processes (such as preliminary motions, pre-hearing conferences, alternative dispute resolution mechanisms, expedited hearings) that apply to each type of proceeding and the circumstances in which other procedures may apply. 1999, c. 12, Sched. B, s. 16 (3).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

Alternative dispute resolution

4.8 (1) A tribunal may direct the parties to a proceeding to participate in an alternative dispute resolution mechanism for the purposes of resolving the proceeding or an issue arising in the proceeding if,

- (a) it has made rules under section 25.1 respecting the use of alternative dispute resolution mechanisms; and
- (b) all parties consent to participating in the alternative dispute resolution mechanism.

Definition

- (2) In this section,

“alternative dispute resolution mechanism” includes mediation, conciliation, negotiation or any other means of facilitating the resolution of issues in dispute.

Rules

(3) A rule under section 25.1 respecting the use of alternative dispute resolution mechanisms shall include procedural guidelines to deal with the following:

1. The circumstances in which a settlement achieved by means of an alternative dispute resolution mechanism must be reviewed and approved by the tribunal.
2. Any requirement, statutory or otherwise, that there be an order by the tribunal.

Mandatory alternative dispute resolution

(4) A rule under subsection (3) may provide that participation in an alternative dispute resolution mechanism is mandatory or that it is mandatory in certain specified circumstances.

Person appointed to mediate, etc.

(5) A rule under subsection (3) may provide that a person appointed to mediate, conciliate, negotiate or help resolve a matter by means of an alternative dispute resolution mechanism be a member of the tribunal or a person independent of the tribunal. However, a member of the tribunal who is so appointed with respect to a matter in a proceeding shall not subsequently hear the matter if it comes before the tribunal unless the parties consent.

Continuance of provisions in other statutes

(6) Despite section 32, nothing in this section shall prevent a tribunal from directing parties to a proceeding to participate in an alternative dispute resolution mechanism even though the requirements of subsections (1) to (5) have not been met if

the tribunal does so in accordance with the provisions of an Act that are in force on the day this section comes into force. 1999, c. 12, Sched. B, s. 16 (3).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

Mediators, etc.: not compellable, notes not evidence

Mediators, etc., not compellable

4.9 (1) No person employed as a mediator, conciliator or negotiator or otherwise appointed to facilitate the resolution of a matter before a tribunal by means of an alternative dispute resolution mechanism shall be compelled to give testimony or produce documents in a proceeding before the tribunal or in a civil proceeding with respect to matters that come to his or her knowledge in the course of exercising his or her duties under this or any other Act.

Evidence in civil proceedings

(2) No notes or records kept by a mediator, conciliator or negotiator or by any other person appointed to facilitate the resolution of a matter before a tribunal by means of an alternative dispute resolution mechanism under this or any other Act are admissible in a civil proceeding. 1999, c. 12, Sched. B, s. 16 (3).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (3) - 14/02/2000

Parties

5. The parties to a proceeding shall be the persons specified as parties by or under the statute under which the proceeding arises or, if not so specified, persons entitled by law to be parties to the proceeding. R.S.O. 1990, c. S.22, s. 5.

Written hearings

5.1 (1) A tribunal whose rules made under section 25.1 deal with written hearings may hold a written hearing in a proceeding. 1997, c. 23, s. 13 (6).

Exception

(2) The tribunal shall not hold a written hearing if a party satisfies the tribunal that there is good reason for not doing so.

Same

(2.1) Subsection (2) does not apply if the only purpose of the hearing is to deal with procedural matters. 1999, c. 12, Sched. B, s. 16 (4).

Documents

(3) In a written hearing, all the parties are entitled to receive every document that the tribunal receives in the proceeding. 1994, c. 27, s. 56 (10).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (10) - 1/04/1995; 1997, c. 23, s. 13 (6) - 28/11/1997; 1999, c. 12, Sched. B, s. 16 (4) - 14/02/2000

Electronic hearings

5.2 (1) A tribunal whose rules made under section 25.1 deal with electronic hearings may hold an electronic hearing in a proceeding. 1997, c. 23, s. 13 (7).

Exception

(2) The tribunal shall not hold an electronic hearing if a party satisfies the tribunal that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

Same

(3) Subsection (2) does not apply if the only purpose of the hearing is to deal with procedural matters.

Participants to be able to hear one another

(4) In an electronic hearing, all the parties and the members of the tribunal participating in the hearing must be able to hear one another and any witnesses throughout the hearing. 1994, c. 27, s. 56 (10).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (10) - 1/04/1995; 1997, c. 23, s. 13 (7) - 28/11/1997

Different kinds of hearings in one proceeding

5.2.1 A tribunal may, in a proceeding, hold any combination of written, electronic and oral hearings. 1997, c. 23, s. 13 (8).

Section Amendments with date in force (d/m/y)

1997, c. 23, s. 13 (8) - 28/11/1997

Pre-hearing conferences

5.3 (1) If the tribunal's rules made under section 25.1 deal with pre-hearing conferences, the tribunal may direct the parties to participate in a pre-hearing conference to consider,

- (a) the settlement of any or all of the issues;
- (b) the simplification of the issues;
- (c) facts or evidence that may be agreed upon;
- (d) the dates by which any steps in the proceeding are to be taken or begun;
- (e) the estimated duration of the hearing; and
- (f) any other matter that may assist in the just and most expeditious disposition of the proceeding. 1994, c. 27, s. 56 (11); 1997, c. 23, s. 13 (9).

Other Acts and regulations

(1.1) The tribunal's power to direct the parties to participate in a pre-hearing conference is subject to any other Act or regulation that applies to the proceeding. 1997, c. 23, s. 13 (10).

Who presides

(2) The chair of the tribunal may designate a member of the tribunal or any other person to preside at the pre-hearing conference.

Orders

(3) A member who presides at a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the proceeding, including adding parties.

Disqualification

(4) A member who presides at a pre-hearing conference at which the parties attempt to settle issues shall not preside at the hearing of the proceeding unless the parties consent. 1994, c. 27, s. 56 (11).

Application of s. 5.2

(5) Section 5.2 applies to a pre-hearing conference, with necessary modifications. 1997, c. 23, s. 13 (10).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (11) - 1/04/1995; 1997, c. 23, s. 13 (9, 10) - 28/11/1997

Disclosure

5.4 (1) If the tribunal's rules made under section 25.1 deal with disclosure, the tribunal may, at any stage of the proceeding before all hearings are complete, make orders for,

- (a) the exchange of documents;
- (b) the oral or written examination of a party;
- (c) the exchange of witness statements and reports of expert witnesses;
- (d) the provision of particulars;
- (e) any other form of disclosure. 1994, c. 27, s. 56 (12); 1997, c. 23, s. 13 (11).

Other Acts and regulations

(1.1) The tribunal's power to make orders for disclosure is subject to any other Act or regulation that applies to the proceeding. 1997, c. 23, s. 13 (12).

Exception, privileged information

(2) Subsection (1) does not authorize the making of an order requiring disclosure of privileged information. 1994, c. 27, s. 56 (12).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (12) - 1/04/1995; 1997, c. 23, s. 13 (11, 12) - 28/11/1997

Notice of hearing

6. (1) The parties to a proceeding shall be given reasonable notice of the hearing by the tribunal. R.S.O. 1990, c. S.22, s. 6 (1).

Statutory authority

(2) A notice of a hearing shall include a reference to the statutory authority under which the hearing will be held.

Oral hearing

(3) A notice of an oral hearing shall include,

- (a) a statement of the time, place and purpose of the hearing; and
- (b) a statement that if the party notified does not attend at the hearing, the tribunal may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (13).

Written hearing

(4) A notice of a written hearing shall include,

- (a) a statement of the date and purpose of the hearing, and details about the manner in which the hearing will be held;
- (b) a statement that the hearing shall not be held as a written hearing if the party satisfies the tribunal that there is good reason for not holding a written hearing (in which case the tribunal is required to hold it as an electronic or oral hearing) and an indication of the procedure to be followed for that purpose;
- (c) a statement that if the party notified neither acts under clause (b) nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (13); 1997, c. 23, s. 13 (13); 1999, c. 12, Sched. B, s. 16 (5).

Electronic hearing

(5) A notice of an electronic hearing shall include,

- (a) a statement of the time and purpose of the hearing, and details about the manner in which the hearing will be held;
- (b) a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;
- (c) if clause (b) does not apply, a statement that the party notified may, by satisfying the tribunal that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the tribunal to hold the hearing as an oral hearing, and an indication of the procedure to be followed for that purpose; and
- (d) a statement that if the party notified neither acts under clause (c), if applicable, nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (13).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (13) - 1/04/1995; 1997, c. 23, s. 13 (13) - 28/11/1997; 1999, c. 12, Sched. B, s. 16 (5) - 14/02/2000

Effect of non-attendance at hearing after due notice

7. (1) Where notice of an oral hearing has been given to a party to a proceeding in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding. R.S.O. 1990, c. S.22, s. 7; 1994, c. 27, s. 56 (14).

Same, written hearings

(2) Where notice of a written hearing has been given to a party to a proceeding in accordance with this Act and the party neither acts under clause 6 (4) (b) nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.

Same, electronic hearings

(3) Where notice of an electronic hearing has been given to a party to a proceeding in accordance with this Act and the party neither acts under clause 6 (5) (c), if applicable, nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding. 1994, c. 27, s. 56 (15).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (14, 15) - 1/04/1995

Where character, etc., of a party is in issue

8. Where the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto. R.S.O. 1990, c. S.22, s. 8.

Hearings to be public; maintenance of order

Hearings to be public, exceptions

9. (1) An oral hearing shall be open to the public except where the tribunal is of the opinion that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the tribunal may hold the hearing in the absence of the public. R.S.O. 1990, c. S.22, s. 9 (1); 1994, c. 27, s. 56 (16).

Written hearings

(1.1) In a written hearing, members of the public are entitled to reasonable access to the documents submitted, unless the tribunal is of the opinion that clause (1) (a) or (b) applies. 1994, c. 27, s. 56 (17).

Electronic hearings

(1.2) An electronic hearing shall be open to the public unless the tribunal is of the opinion that,

- (a) it is not practical to hold the hearing in a manner that is open to the public; or
- (b) clause (1) (a) or (b) applies. 1997, c. 23, s. 13 (14).

Maintenance of order at hearings

(2) A tribunal may make such orders or give such directions at an oral or electronic hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. R.S.O. 1990, c. S.22, s. 9 (2); 1994, c. 27, s. 56 (18).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (16-18) - 1/04/1995; 1997, c. 23, s. 13 (14) - 28/11/1997

Proceedings involving similar questions

9.1 (1) If two or more proceedings before a tribunal involve the same or similar questions of fact, law or policy, the tribunal may,

- (a) combine the proceedings or any part of them, with the consent of the parties;
- (b) hear the proceedings at the same time, with the consent of the parties;
- (c) hear the proceedings one immediately after the other; or
- (d) stay one or more of the proceedings until after the determination of another one of them.

Exception

(2) Subsection (1) does not apply to proceedings to which the *Consolidated Hearings Act* applies. 1994, c. 27, s. 56 (19).

Same

(3) Clauses (1) (a) and (b) do not apply to a proceeding if,

- (a) any other Act or regulation that applies to the proceeding requires that it be heard in private;
- (b) the tribunal is of the opinion that clause 9 (1) (a) or (b) applies to the proceeding. 1994, c. 27, s. 56 (19); 1997, c. 23, s. 13 (15).

Conflict, consent requirements

(4) The consent requirements of clauses (1) (a) and (b) do not apply if another Act or a regulation that applies to the proceedings allows the tribunal to combine them or hear them at the same time without the consent of the parties. 1997, c. 23, s. 13 (16).

Use of same evidence

(5) If the parties to the second-named proceeding consent, the tribunal may treat evidence that is admitted in a proceeding as if it were also admitted in another proceeding that is heard at the same time under clause (1) (b). 1994, c. 27, s. 56 (19).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (19) - 1/04/1995; 1997, c. 23, s. 13 (15, 16) - 28/11/1997

Right to representation

10. A party to a proceeding may be represented by a representative. 2006, c. 21, Sched. C, s. 134 (3).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (20) - 1/04/1995

2006, c. 21, Sched. C, s. 134 (3) - 1/05/2007

Examination of witnesses

10.1 A party to a proceeding may, at an oral or electronic hearing,

- (a) call and examine witnesses and present evidence and submissions; and
- (b) conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of all matters relevant to the issues in the proceeding. 1994, c. 27, s. 56 (20).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (20) - 1/04/1995

Rights of witnesses to representation

11. (1) A witness at an oral or electronic hearing is entitled to be advised by a representative as to his or her rights, but such representative may take no other part in the hearing without leave of the tribunal. 2006, c. 21, Sched. C, s. 134 (4).

Idem

(2) Where an oral hearing is closed to the public, the witness's representative is not entitled to be present except when that witness is giving evidence. R.S.O. 1990, c. S.22, s. 11 (2); 1994, c. 27, s. 56 (22); 2006, c. 21, Sched. C, s. 134 (5).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (21, 22) - 1/04/1995

2006, c. 21, Sched. C, s. 134 (4, 5) - 1/05/2007

Summonses

12. (1) A tribunal may require any person, including a party, by summons,

- (a) to give evidence on oath or affirmation at an oral or electronic hearing; and
- (b) to produce in evidence at an oral or electronic hearing documents and things specified by the tribunal,

relevant to the subject-matter of the proceeding and admissible at a hearing. R.S.O. 1990, c. S.22, s. 12 (1); 1994, c. 27, s. 56 (23).

Form and service of summons

(2) A summons issued under subsection (1) shall be in the prescribed form (in English or French) and,

- (a) where the tribunal consists of one person, shall be signed by him or her;

- (b) where the tribunal consists of more than one person, shall be signed by the chair of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal. 1994, c. 27, s. 56 (24).

Same

- (3) The summons shall be served personally on the person summoned. 1994, c. 27, s. 56 (24).

Fees and allowances

(3.1) The person summoned is entitled to receive the same fees or allowances for attending at or otherwise participating in the hearing as are paid to a person summoned to attend before the Superior Court of Justice. 1994, c. 27, s. 56 (24); 2006, c. 19, Sched. C, s. 1 (1).

Bench warrant

- (4) A judge of the Superior Court of Justice may issue a warrant against a person if the judge is satisfied that,
 - (a) a summons was served on the person under this section;
 - (b) the person has failed to attend or to remain in attendance at the hearing (in the case of an oral hearing) or has failed otherwise to participate in the hearing (in the case of an electronic hearing) in accordance with the summons; and
 - (c) the person's attendance or participation is material to the ends of justice. 1994, c. 27, s. 56 (25); 2006, c. 19, Sched. C, s. 1 (1).

Same

(4.1) The warrant shall be in the prescribed form (in English or French), directed to any police officer, and shall require the person to be apprehended anywhere within Ontario, brought before the tribunal forthwith and,

- (a) detained in custody as the judge may order until the person's presence as a witness is no longer required; or
- (b) in the judge's discretion, released on a recognizance, with or without sureties, conditioned for attendance or participation to give evidence. 1994, c. 27, s. 56 (25).

Proof of service

(5) Service of a summons may be proved by affidavit in an application to have a warrant issued under subsection (4). 1994, c. 27, s. 56 (26).

Certificate of facts

(6) Where an application to have a warrant issued is made on behalf of a tribunal, the person constituting the tribunal or, if the tribunal consists of more than one person, the chair of the tribunal may certify to the judge the facts relied on to establish that the attendance or other participation of the person summoned is material to the ends of justice, and the judge may accept the certificate as proof of the facts. 1994, c. 27, s. 56 (26).

Same

(7) Where the application is made by a party to the proceeding, the facts relied on to establish that the attendance or other participation of the person is material to the ends of justice may be proved by the party's affidavit. 1994, c. 27, s. 56 (26).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (23-26) - 1/04/1995

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

Contempt proceedings

- 13. (1) Where any person without lawful excuse,
 - (a) on being duly summoned under section 12 as a witness at a hearing makes default in attending at the hearing; or
 - (b) being in attendance as a witness at an oral hearing or otherwise participating as a witness at an electronic hearing, refuses to take an oath or to make an affirmation legally required by the tribunal to be taken or made, or to produce any document or thing in his or her power or control legally required by the tribunal to be produced by him or her or to answer any question to which the tribunal may legally require an answer; or
 - (c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the tribunal may, of its own motion or on the motion of a party to the proceeding, state a case to the Divisional Court setting out the facts and that court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he or she had been guilty of contempt of the court. R.S.O. 1990, c. S.22, s. 13; 1994, c. 27, s. 56 (27).

Same

- (2) Subsection (1) also applies to a person who,
 - (a) having objected under clause 6 (4) (b) to a hearing being held as a written hearing, fails without lawful excuse to participate in the oral or electronic hearing of the matter; or
 - (b) being a party, fails without lawful excuse to attend a pre-hearing conference when so directed by the tribunal. 1997, c. 23, s. 13 (17).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (27) - 1/04/1995; 1997, c. 23, s. 13 (17) - 28/11/1997

Protection for witnesses

14. (1) A witness at an oral or electronic hearing shall be deemed to have objected to answer any question asked him or her upon the ground that the answer may tend to criminate him or her or may tend to establish his or her liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceeding against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence. R.S.O. 1990, c. S.22, s. 14 (1); 1994, c. 27, s. 56 (28).

- (2) REPEALED: 1994, c. 27, s. 56 (29).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (28, 29) - 1/04/1995

Evidence

What is admissible in evidence at a hearing

15. (1) Subject to subsections (2) and (3), a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject-matter of the proceeding and may act on such evidence, but the tribunal may exclude anything unduly repetitious.

What is inadmissible in evidence at a hearing

- (2) Nothing is admissible in evidence at a hearing,
 - (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - (b) that is inadmissible by the statute under which the proceeding arises or any other statute.

Conflicts

(3) Nothing in subsection (1) overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

Copies

(4) Where a tribunal is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Photocopies

(5) Where a document has been filed in evidence at a hearing, the tribunal may, or the person producing it or entitled to it may with the leave of the tribunal, cause the document to be photocopied and the tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the tribunal.

Certified copy admissible in evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a copy thereof by a member of the tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document. R.S.O. 1990, c. S.22, s. 15.

Use of previously admitted evidence

15.1 (1) The tribunal may treat previously admitted evidence as if it had been admitted in a proceeding before the tribunal, if the parties to the proceeding consent. 1994, c. 27, s. 56 (30).

Definition

(2) In subsection (1),

“previously admitted evidence” means evidence that was admitted, before the hearing of the proceeding referred to in that subsection, in any other proceeding before a court or tribunal, whether in or outside Ontario.

Additional power

(3) This power conferred by this section is in addition to the tribunal’s power to admit evidence under section 15. 1997, c. 23, s. 13 (18).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (30) - 1/04/1995; 1997, c. 23, s. 13 (18) - 28/11/1997

Witness panels

15.2 A tribunal may receive evidence from panels of witnesses composed of two or more persons, if the parties have first had an opportunity to make submissions in that regard. 1994, c. 27, s. 56 (31).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (31) - 1/04/1995

Notice of facts and opinions

16. A tribunal may, in making its decision in any proceeding,

(a) take notice of facts that may be judicially noticed; and

(b) take notice of any generally recognized scientific or technical facts, information or opinions within its scientific or specialized knowledge. R.S.O. 1990, c. S.22, s. 16.

Interim decisions and orders

16.1 (1) A tribunal may make interim decisions and orders.

Conditions

(2) A tribunal may impose conditions on an interim decision or order.

Reasons

(3) An interim decision or order need not be accompanied by reasons. 1994, c. 27, s. 56 (32).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (32) - 1/04/1995

Time frames

16.2 A tribunal shall establish guidelines setting out the usual time frame for completing proceedings that come before the tribunal and for completing the procedural steps within those proceedings. 1999, c. 12, Sched. B, s. 16 (6).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (6) - 14/02/2000

Decision; interest

Decision

17. (1) A tribunal shall give its final decision and order, if any, in any proceeding in writing and shall give reasons in writing therefor if requested by a party. R.S.O. 1990, c. S.22, s. 17; 1993, c. 27, Sched.

Interest

(2) A tribunal that makes an order for the payment of money shall set out in the order the principal sum, and if interest is payable, the rate of interest and the date from which it is to be calculated. 1994, c. 27, s. 56 (33).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1994, c. 27, s. 56 (33) - 1/04/1995

Costs

17.1 (1) Subject to subsection (2), a tribunal may, in the circumstances set out in rules made under subsection (4), order a party to pay all or part of another party's costs in a proceeding. 2006, c. 19, Sched. B, s. 21 (2).

Exception

- (2) A tribunal shall not make an order to pay costs under this section unless,
- (a) the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or a party has acted in bad faith; and
 - (b) the tribunal has made rules under subsection (4). 2006, c. 19, Sched. B, s. 21 (2).

Amount of costs

(3) The amount of the costs ordered under this section shall be determined in accordance with the rules made under subsection (4). 2006, c. 19, Sched. B, s. 21 (2).

Rules

- (4) A tribunal may make rules with respect to,
- (a) the ordering of costs;
 - (b) the circumstances in which costs may be ordered; and
 - (c) the amount of costs or the manner in which the amount of costs is to be determined. 2006, c. 19, Sched. B, s. 21 (2).

Same

(5) Subsections 25.1 (3), (4), (5) and (6) apply with respect to rules made under subsection (4). 2006, c. 19, Sched. B, s. 21 (2).

Continuance of provisions in other statutes

(6) Despite section 32, nothing in this section shall prevent a tribunal from ordering a party to pay all or part of another party's costs in a proceeding in circumstances other than those set out in, and without complying with, subsections (1) to (3) if the tribunal makes the order in accordance with the provisions of an Act that are in force on February 14, 2000. 2006, c. 19, Sched. B, s. 21 (2).

Submissions must be in writing

(7) Despite sections 5.1, 5.2 and 5.2.1, submissions for a costs order, whether under subsection (1) or under an authority referred to in subsection (6), shall be made by way of written or electronic documents, unless a party satisfies the tribunal that to do so is likely to cause the party significant prejudice. 2015, c. 23, s. 5.

(8), (9) REPEALED: 2015, c. 23, s. 5.

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (7) - 14/02/2000

2006, c. 19, Sched. B, s. 21 (2) - 22/06/2006

2015, c. 23, s. 5 - 03/11/2015

Notice of decision

18. (1) The tribunal shall send each party who participated in the proceeding, or the party's representative, a copy of its final decision or order, including the reasons if any have been given,

- (a) by regular lettermail;
- (b) by electronic transmission;
- (c) by telephone transmission of a facsimile; or

- (d) by some other method that allows proof of receipt, if the tribunal's rules made under section 25.1 deal with the matter. 1994, c. 27, s. 56 (34); 1997, c. 23, s. 13 (19); 2006, c. 21, Sched. C, s. 134 (6).

Use of mail

(2) If the copy is sent by regular lettermail, it shall be sent to the most recent addresses known to the tribunal and shall be deemed to be received by the party on the fifth day after the day it is mailed. 1994, c. 27, s. 56 (34).

Use of electronic or telephone transmission

(3) If the copy is sent by electronic transmission or by telephone transmission of a facsimile, it shall be deemed to be received on the day after it was sent, unless that day is a holiday, in which case the copy shall be deemed to be received on the next day that is not a holiday. 1994, c. 27, s. 56 (34).

Use of other method

(4) If the copy is sent by a method referred to in clause (1) (d), the tribunal's rules made under section 25.1 govern its deemed day of receipt. 1994, c. 27, s. 56 (34).

Failure to receive copy

(5) If a party that acts in good faith does not, through absence, accident, illness or other cause beyond the party's control, receive the copy until a later date than the deemed day of receipt, subsection (2), (3) or (4), as the case may be, does not apply. 1994, c. 27, s. 56 (34).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (34) - 1/04/1995; 1997, c. 23, s. 13 (19) - 28/11/1997

2006, c. 21, Sched. C, s. 134 (6) - 1/05/2007

Enforcement of orders

19. (1) A certified copy of a tribunal's decision or order in a proceeding may be filed in the Superior Court of Justice by the tribunal or by a party and on filing shall be deemed to be an order of that court and is enforceable as such. 1994, c. 27, s. 56 (35); 2006, c. 19, Sched. C, s. 1 (1).

Notice of filing

(2) A party who files an order under subsection (1) shall notify the tribunal within 10 days after the filing. 1994, c. 27, s. 56 (35).

Order for payment of money

(3) On receiving a certified copy of a tribunal's order for the payment of money, the sheriff shall enforce the order as if it were an execution issued by the Superior Court of Justice. 1994, c. 27, s. 56 (35); 2006, c. 19, Sched. C, s. 1 (1).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (35) - 1/04/1995

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

Record of proceeding

20. A tribunal shall compile a record of any proceeding in which a hearing has been held which shall include,

(a) any application, complaint, reference or other document, if any, by which the proceeding was commenced;

(b) the notice of any hearing;

(c) any interlocutory orders made by the tribunal;

(d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;

(e) the transcript, if any, of the oral evidence given at the hearing; and

(f) the decision of the tribunal and the reasons therefor, where reasons have been given. R.S.O. 1990, c. S.22, s. 20.

Adjournments

21. A hearing may be adjourned from time to time by a tribunal of its own motion or where it is shown to the satisfaction of the tribunal that the adjournment is required to permit an adequate hearing to be held. R.S.O. 1990, c. S.22, s. 21.

Correction of errors

21.1 A tribunal may at any time correct a typographical error, error of calculation or similar error made in its decision or order. 1994, c. 27, s. 56 (36).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (36) - 1/04/1995

Power to review

21.2 (1) A tribunal may, if it considers it advisable and if its rules made under section 25.1 deal with the matter, review all or part of its own decision or order, and may confirm, vary, suspend or cancel the decision or order. 1997, c. 23, s. 13 (20).

Time for review

(2) The review shall take place within a reasonable time after the decision or order is made.

Conflict

(3) In the event of a conflict between this section and any other Act, the other Act prevails. 1994, c. 27, s. 56 (36).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (36) - 1/04/1995; 1997, c. 23, s. 13 (20) - 28/11/1997

Administration of oaths

22. A member of a tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings and the tribunal may require evidence before it to be given under oath or affirmation. R.S.O. 1990, c. S.22, s. 22.

Powers re control of proceedings**Abuse of processes**

23. (1) A tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes. R.S.O. 1990, c. S.22, s. 23 (1).

Limitation on examination

(2) A tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding. 1994, c. 27, s. 56 (37).

Exclusion of representatives

(3) A tribunal may exclude from a hearing anyone, other than a person licensed under the *Law Society Act*, appearing on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly to represent or to advise the party or witness, or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser. 2006, c. 21, Sched. C, s. 134 (7).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (37) - 1/04/1995

2006, c. 21, Sched. C, s. 134 (7) - 1/05/2007

Notice, etc.

24. (1) Where a tribunal is of the opinion that because the parties to any proceeding before it are so numerous or for any other reason, it is impracticable,

(a) to give notice of the hearing; or

(b) to send its decision and the material mentioned in section 18,

to all or any of the parties individually, the tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the tribunal may direct.

Contents of notice

(2) A notice of a decision given by a tribunal under clause (1) (b) shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained. R.S.O. 1990, c. S.22, s. 24.

Appeal operates as stay, exception

25. (1) An appeal from a decision of a tribunal to a court or other appellate body operates as a stay in the matter unless,
- (a) another Act or a regulation that applies to the proceeding expressly provides to the contrary; or
 - (b) the tribunal or the court or other appellate body orders otherwise. 1997, c. 23, s. 13 (21).

Idem

(2) An application for judicial review under the *Judicial Review Procedure Act*, or the bringing of proceedings specified in subsection 2 (1) of that Act is not an appeal within the meaning of subsection (1). R.S.O. 1990, c. S.22, s. 25 (2).

Section Amendments with date in force (d/m/y)

1997, c. 23, s. 13 (21) - 28/11/1997

Control of process

- 25.0.1 A tribunal has the power to determine its own procedures and practices and may for that purpose,
- (a) make orders with respect to the procedures and practices that apply in any particular proceeding; and
 - (b) establish rules under section 25.1. 1999, c. 12, Sched. B, s. 16 (8).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (8) - 14/02/2000

Rules

- 25.1 (1) A tribunal may make rules governing the practice and procedure before it. 1994, c. 27, s. 56 (38).

Application

- (2) The rules may be of general or particular application. 1994, c. 27, s. 56 (38).

Consistency with Acts

- (3) The rules shall be consistent with this Act and with the other Acts to which they relate. 1994, c. 27, s. 56 (38).

Public access

- (4) The tribunal shall make the rules available to the public in English and in French. 1994, c. 27, s. 56 (38).

Legislation Act, 2006, Part III

(5) Rules adopted under this section are not regulations as defined in Part III (Regulations) of the *Legislation Act, 2006*. 1994, c. 27, s. 56 (38); 2006, c. 21, Sched. F, s. 136 (1).

Additional power

(6) The power conferred by this section is in addition to any power to adopt rules that the tribunal may have under another Act. 1994, c. 27, s. 56 (38).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (38) - 1/04/1995

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

Regulations

26. The Lieutenant Governor in Council may make regulations prescribing forms for the purpose of section 12. 1994, c. 27, s. 56 (41).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (39, 41) - 1/04/1995

Rules, etc., available to public

27. A tribunal shall make any rules or guidelines established under this or any other Act available for examination by the public. 1999, c. 12, Sched. B, s. 16 (9).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (9) - 14/02/2000

Substantial compliance

28. Substantial compliance with requirements respecting the content of forms, notices or documents under this Act or any rule made under this or any other Act is sufficient. 1999, c. 12, Sched. B, s. 16 (9).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. B, s. 16 (9) - 14/02/2000

29.-**31.** REPEALED: 1994, c. 27, s. 56 (40).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (40) - 1/04/1995

Conflict

32. Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply despite anything in this Act, the provisions of this Act prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith. R.S.O. 1990, c. S.22, s. 32; 1994, c. 27, s. 56 (42).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (42) - 1/04/1995

33., **34.** REPEALED: 1994, c. 27, s. 56 (43).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (43) - 1/04/1995

FORMS 1, 2 REPEALED: 1994, c. 27, s. 56 (44).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 56 (44) - 1/04/1995

Français

[Back to top](#)

Building Code Act, 1992, S.O. 1992, c. 23

PROPERTY STANDARDS

Municipal property standards

15.1 (1) In sections 15.1 to 15.8 inclusive,

“committee” means a property standards committee established under section 15.6; (“comité”)

“occupant” means any person or persons over the age of 18 years in possession of the property; (“occupant”)

“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 the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; (“propriétaire”)

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; (“bien”)

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section. (“réparation”) 1997, c. 24, s. 224 (8).

Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c. 24, s. 224 (8).

Standards for maintenance and occupancy

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition. 1997, c. 24, s. 224 (8).

No distinction on the basis of relationship

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c. 24, s. 224 (8).

Provision of no effect

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 9, s. 23 - 01/07/2005

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, s. 9.

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2017, c. 34, Sched. 2, s. 9 - 14/12/2017

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 9, s. 24 - 01/09/2003

Power of municipality if order not complied with

15.4 (1) If an order of an officer under section 15.2 (2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c. 24, s. 224 (8).

Warrantless entry

(2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224 (8).

No liability

(3) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c. 24, s. 224 (8).

Lien

(4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (2).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (2) - 01/01/2007

Administrative penalties

15.4.1 (1) A municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with,

- (a) a by-law of the municipality passed under section 15.1; or
- (b) an order of an officer under subsection 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3. 2017, c. 34, Sched. 2, s. 10.

Purpose of administrative penalties

(2) The purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with a by-law under section 15.1 or an order under subsection 15.2 (2). 2017, c. 34, Sched. 2, s. 10.

Monetary limit

- (3) The amount of an administrative penalty established by a municipality,
- (a) shall not be punitive in nature; and
 - (b) shall not exceed the amount reasonably required to promote compliance with a by-law under section 15.1 or an order under subsection 15.2 (2). 2017, c. 34, Sched. 2, s. 10.

Effect on offences

- (4) If a person is required by a municipality to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention. 2017, c. 34, Sched. 2, s. 10.

Regulations

- (5) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,
- (a) granting a municipality powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
 - (b) imposing conditions and limitations on a municipality's powers with respect to administrative penalties. 2017, c. 34, Sched. 2, s. 10.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 10 - 14/12/2017

Debt

15.4.2 (1) An administrative penalty imposed by a municipality on a person under section 15.4.1 constitutes a debt of the person to the municipality. 2017, c. 34, Sched. 2, s. 10.

Amount owing added to tax roll

- (2) If an administrative penalty imposed under section 15.4.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of the municipality may add the administrative penalty to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes. 2017, c. 34, Sched. 2, s. 10.

Section Amendments with date in force (d/m/y)

2017, c. 34, Sched. 2, s. 10 - 14/12/2017

Certificate of compliance

15.5 (1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner. 1997, c. 24, s. 224 (8).

Request for certificate

- (2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located. 1997, c. 24, s. 224 (8).

Fee for certificate

- (3) A council of a municipality may set a fee for the issuance of a certificate. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

Property standards committee

15.6 (1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish. 1997, c. 24, s. 224 (8).

Filling of vacancies

- (2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee. 1997, c. 24, s. 224 (8).

Compensation

(3) The members of the committee shall be paid such compensation as the council may provide. 1997, c. 24, s. 224 (8).

Chair

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair. 1997, c. 24, s. 224 (8).

Quorum

(5) A majority of the members constitutes a quorum for transacting the committee's business. 1997, c. 24, s. 224 (8).

Secretary

(6) The members shall provide for a secretary for the committee. 1997, c. 24, s. 224 (8).

Duty of secretary

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to the minutes and records. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (3).

Rules of procedure and oaths

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths. 1997, c. 24, s. 224 (8).

Where committee required to give notice

(9) The committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (3) - 01/01/2007

Emergency order re dangerous non-conformity with standards

15.7 (1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 1997, c. 24, s. 224 (8).

Service

(2) The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c. 24, s. 224 (8).

Emergency powers

(3) After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant. 1997, c. 24, s. 224 (8).

No liability

(4) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c. 24, s. 224 (8).

Service

(5) If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c. 24, s. 224 (8).

Service of statement

(6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1997, c. 24, s. 224 (8).

Application to court

(7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1997, c. 24, s. 224 (8); 2002, c. 9, s. 25.

Powers of judge

(8) The judge in disposing of an application under subsection (7) shall,

- (a) confirm, modify or rescind the order; and
- (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1997, c. 24, s. 224 (8).

Order final

(9) The disposition under subsection (8) is final. 1997, c. 24, s. 224 (8).

Lien

(10) The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (4).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2002, c. 9, s. 25 - 01/09/2003; 2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 3 (4) - 01/01/2007

Inspection powers of officer

15.8 (1) For the purposes of an inspection under section 15.2, an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224 (8).

Samples

(2) A sample taken under clause (1) (e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample. 2017, c. 34, Sched. 2, s. 11.

Same

(3) If an officer takes a sample under clause (1) (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c. 24, s. 224 (8).

Receipt

(4) An officer shall provide a receipt for any document or thing removed under clause (1) (b) and shall promptly return them after the copies or extracts are made. 1997, c. 24, s. 224 (8).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c. 24, s. 224 (8).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 224 (8) - 17/06/1998

2017, c. 34, Sched. 2, s. 11 - 14/12/2017

Extracts

Condominium Act, 1998

REPAIR AND MAINTENANCE

Repair after damage

89. (1) Subject to sections 91 and 123, the corporation shall repair the units and common elements after damage. 1998, c. 19, s. 89 (1).

Extent of obligation

(2) The obligation to repair after damage includes the obligation to repair and replace after damage or failure but, subject to subsection (5), does not include the obligation to repair after damage improvements made to a unit. 1998, c. 19, s. 89 (2).

Determination of improvements

(3) For the purpose of this section, the question of what constitutes an improvement to a unit shall be determined by reference to a standard unit for the class of unit to which the unit belongs. 1998, c. 19, s. 89 (3).

Standard unit

- (4) A standard unit for the class of unit to which the unit belongs shall be,
- (a) the standard unit described in a by-law made under clause 56 (1) (h), if the board has made a by-law under that clause;
 - (b) the standard unit described in the schedule mentioned in clause 43 (5) (h), if the board has not made a by-law under clause 56 (1) (h). 1998, c. 19, s. 89 (4).

Transition, existing corporations

(5) A corporation that was created before the day this section comes into force and that had the obligation of repairing after damage improvements made to a unit before the registration of the declaration and description shall continue to have the obligation unless it has, by by-law, established what constitutes a standard unit for the class of unit to which the unit belongs. 1998, c. 19, s. 89 (5).

Maintenance

90. (1) Subject to section 91, the corporation shall maintain the common elements and each owner shall maintain the owner's unit. 1998, c. 19, s. 90 (1).

Normal repairs included

(2) The obligation to maintain includes the obligation to repair after normal wear and tear but does not include the obligation to repair after damage. 1998, c. 19, s. 90 (2).

Provisions of declaration

91. The declaration may alter the obligation to maintain or to repair after damage as set out in this Act by providing that,

- (a) subject to section 123, each owner shall repair the owner's unit after damage;
- (b) the owners shall maintain the common elements or any part of them;

(c) each owner shall maintain and repair after damage those parts of the common elements of which the owner has the exclusive use; and

(d) the corporation shall maintain the units or any part of them. 1998, c. 19, s. 91.

Work done for owner

92. (1) If the declaration provides that the owner has an obligation to repair after damage and the owner fails to carry out the obligation within a reasonable time after damage occurs, the corporation shall do the work necessary to carry out the obligation. 1998, c. 19, s. 92 (1).

Same, maintenance

(2) If the declaration provides that the owner has an obligation to maintain the common elements or any part of them and the owner fails to carry out the obligation within a reasonable time, the corporation may do the work necessary to carry out the obligation. 1998, c. 19, s. 92 (2).

Same, maintenance of units

(3) If an owner has an obligation under this Act to maintain the owner's unit and fails to carry out the obligation within a reasonable time and if the failure presents a potential risk of damage to the property or the assets of the corporation or a potential risk of personal injury to persons on the property, the corporation may do the work necessary to carry out the obligation. 1998, c. 19, s. 92 (3).

Cost

(4) An owner shall be deemed to have consented to the work done by a corporation under this section and the cost of the work shall be added to the owner's contribution to the common expenses. 1998, c. 19, s. 92 (4).

Extracts

RESIDENTIAL TENANCIES ACT, 2006

S.O. 2006, CHAPTER 17

PART III RESPONSIBILITIES OF LANDLORDS

Landlord's responsibility to repair

20. (1) A landlord is responsible for providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards. 2006, c. 17, s. 20 (1).

Same

(2) Subsection (1) applies even if the tenant was aware of a state of non-repair or a contravention of a standard before entering into the tenancy agreement. 2006, c. 17, s. 20 (2).

Landlord's responsibility re services

21. (1) A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed, withhold the reasonable supply of any vital service, care service or food that it is the landlord's obligation to supply under the tenancy agreement or deliberately interfere with the reasonable supply of any vital service, care service or food. 2006, c. 17, s. 21 (1).

Non-payment

(2) For the purposes of subsection (1), a landlord shall be deemed to have withheld the reasonable supply of a vital service, care service or food if the landlord is obligated to pay another person for the vital service, care service or food, the landlord fails to pay the required amount and, as a result of the non-payment, the other person withholds the reasonable supply of the vital service, care service or food. 2006, c. 17, s. 21 (2).

Landlord not to interfere with reasonable enjoyment

22. A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household. 2006, c. 17, s. 22.

PART IV RESPONSIBILITIES OF TENANTS

Tenant's responsibility for cleanliness

33. The tenant is responsible for ordinary cleanliness of the rental unit, except to the extent that the tenancy agreement requires the landlord to clean it. 2006, c. 17, s. 33.

Tenant's responsibility for repair of damage

34. The tenant is responsible for the repair of undue damage to the rental unit or residential complex caused by the wilful or negligent conduct of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant. 2006, c. 17, s. 34.