

Authority: Item 8, Planning Committee
Report 21-012 (PED21049(a))
CM: August 13, 2021
Ward: City Wide
Bill No. 146

CITY OF HAMILTON

BY-LAW NO. 21-146

To Amend City of Hamilton By-law 09-190, Being a By-law Requiring the Supply of Vital Services and To Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council has the authority under the *Residential Tenancies Act, 2006*, S.O. 2006 Chapter 17 (the "*Residential Tenancies Act*") and the *Municipal Act, 2001*, S.O. 2001, c. 25, to require the supply of vital services by landlords to tenants for the tenants' health and safety; and,

AND WHEREAS Council deems it necessary to add "water" to the list of vital services and to add notice provisions so that tenants know when the landlord will be shutting off a vital service.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That the following definition be added to By-law 09-190:

"APS By-law" shall mean the City's Administrative Penalties By-law No. 17-225;

3. That subsection 3(4) of By-law 09-190 be repealed and replaced with the following:

This By-law only applies to vital services which are gas, fuel oil, electricity or water.

4. That subsection 4(1) of By-law 09-190 be amended by adding the following subsection:

4 (1) (a) The landlord or property managers of a building shall notify the tenants of that building if a vital service will be shut off for any period of time, in accordance with the requirements under this By-law.

(b) The notice from the landlord or property manager to the affected tenant (s) shall be in writing and shall be given to the tenant (s) at least twenty-four (24) hours in advance of the vital service being shut off, or as soon as practicable under the circumstances. Notices may be sent by e-

mail, mail, or a notice posted in a conspicuous place in the building where it is most likely to come to the attention of the tenants.

(c) The notice shall indicate the reason for the vital service being shut off and the expected time it will be turned back on.

5. That By-law 09-190 be amended by adding the following after clause 14:

14.1 Without limiting the above, every person who contravenes this by-law may also be liable, upon issuance of a penalty notice, to pay an administrative penalty in an amount specified in the APS By-law.

14.2 An administrative penalty imposed by the City on a person under section 434.1 of the *Municipal Act, 2001*, constitutes a debt of the person to the municipality. If an administrative penalty is not paid within 15 days after the day that it becomes due and payable, the City may add the administrative penalty to the tax roll for any property in the city of Hamilton for which all of the owners are responsible for paying the administrative penalty and collect it in the same manner as municipal taxes

6. That Schedule A of By-law No.17-225 be amended by adding the following table:

TABLE 28: BY-LAW NO. 09-190 REQUIRING THE SUPPLY OF VITAL SERVICES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	09-190	4(1)	Fail to provide adequate and suitable vital services	\$500.00
2	09-190	4(1)(a)	Fail to provide proper notice re shut-off of vital service	\$300.00

7. That in all other respects, By-law 09-190 and 17-225 are confirmed; and,

8. That the provisions of this By-law shall become effective on the date approved by City Council.

PASSED this 13th day of August, 2021.

 F. Eisenberger
 Mayor

 A. Holland
 City Clerk