

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 006-2025

A By-law to establish provisions for providing *Vital Services to Tenants*, such as heating, cooling, water, electricity, and gas.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*")

states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 11(2)6. of the *Municipal Act* states that lower-tier municipalities may pass by-laws with respect to the health, safety and well-being of persons;

AND WHEREAS section 434.1 of the *Municipal Act* states that 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 by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS section 436 of the *Municipal Act*, provides that a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality has been complied with;

AND WHEREAS sections 444 and 445 of the *Municipal Act*, provide that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and to do the work to correct the contravention;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems it advisable to enact a By-law that requires landlords to provide tenants with vital services, including heating, cooling, water, electricity and gas;

NOW THEREFORE, the Council of The Corporation of the City of Vaughan hereby enacts as follows:

1.0 Short Title

- (1) This By-law shall be known and cited as the “Vital Services By-law”.

2.0 Applicability and Scope

- (1) The provisions of this By-law apply to all *Rented Residential Units* in the *City*, except those in which the *Tenant* has agreed that the *Vital Services* will not be provided by, or at the expense of, the *Landlord*.
- (2) Where any provision of this By-law is in conflict with a provision of any other *City* By-law, the more restrictive provision shall prevail.

3.0 Definition and Interpretation

- (1) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in section 3.0(4) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (3) Any reference to a statute, regulation, by-law or other legislation shall include such statute, regulation, by-law or legislation as amended, re-enacted, replaced, or superseded.

- (4) For the purposes of this By-law:

“Administrative Penalties By-law” refers to Administrative Penalties By-law 240-2024;

“Building Code Act” refers to the *Building Code Act, 1992*, S.O. 1992, c. 23;

“City” means the Corporation of the *City* of Vaughan;

“Cooling Room” means a room within a *Multi-Residential Building* that is readily available for residents to use, and which is maintained at a temperature that does not exceed 26°C;

“Cooling System” means a system which cools the interior of a building;

“Designated By-law” has the same meaning as in the *Administrative Penalties By-law*;

“Governmental Entity” refers to the City of Vaughan, Regional Municipality of York, Province of Ontario or other Canadian government agency acting in accordance with its mandate;

“Habitable Room” means any room used or capable of being used for living, sleeping, cooking or eating purposes;

“Landlord” includes the owner of a *Rented Residential Unit* or any other *Person* receiving the rent or managing the occupancy of the *Rented Residential Unit* whether as the *Landlord’s* authorized agent or otherwise;

“Municipal By-law Enforcement Officer” means a *Person* appointed as a Municipal Law Enforcement Officer, pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, or section 55 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, to enforce the provisions of this By-law;

“Multi-Residential Building” means a building which has more than four units;

“Order” means a written notice issued by a *Municipal By-law Enforcement Officer* directing a *Person* to take some action in order to comply with this By-law or correct a contravention of this By-law;

“O. Reg. 332/12” refers to *O. Reg. 332/12: Building Code* under the *Building Code Act*;

“Person” means an individual, sole proprietor, partnership, corporation, or an individual acting in the capacity of a trustee, executor, administrator or other such legal capacity;

“Property” means a building or structure or part of a building or structure and includes the yard appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected;

“Provincial Offences Act” refers to the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“Rented Residential Unit” means one or more *Habitable Rooms* used or designed to be used for human habitation that have been rented or leased;

“Tenant” includes a *Person* who is an occupant, lessee, or sub-tenant;

“Treasurer” means the Chief Financial Officer and Treasurer for the *City of Vaughan*, or his or her designate, or his or her successor;

“Vital Services” includes heating, cooling, hot and cold drinkable water, electricity and gas.

4.0 General Provisions

(1) Every *Landlord* of a *Rented Residential Unit* shall provide adequate and suitable *Vital Services*, which includes the provision,

- (a) of an adequate supply of potable, running, hot and cold water from a source approved by *Governmental Entities*, where the maximum temperature of hot water is 49 °C, or as otherwise permitted by *O. Reg. 332/12* for items including dishwashers and washing machines;
- (b) from September 15th to, and including, May 15th, of a minimum air temperature of 21°C, or a mechanism that enables the *Tenant* to regulate and maintain the air temperature to a minimum temperature of 21°C, in all *Habitable Rooms* as measured at 1.5 metres above the floor level and 1.0 metres from exterior walls;
- (c) from May 16th to, and including, September 14th, and:
 - (i) if in a building with a *Cooling System*, of a maximum air temperature of 26°C, or a mechanism that enables the *Tenant* to regulate and maintain the air temperature to a maximum temperature of 26°C, in all *Habitable Rooms* as measured at 1.5 metres above the floor level and 1.0 metres from exterior walls; or
 - (ii) if in a *Multi-Residential Building* which does not have a *Cooling System*, access for residents to a *Cooling Room* when the air temperature in a *Habitable Room* is above 26°C, as measured at 1.5 metres above the floor level and 1.0 metres from exterior walls;

(2) No *Landlord* shall disconnect or cause to be disconnected or permit to be disconnected any *Vital Services* for a *Rented Residential Unit* except for such a reasonable period of time as may be required for the purpose of repairing, replacing or altering such *Vital Services*.

5.0 Orders and Enforcement

- (1) Any *Person* who contravenes or fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine.
- (2) A *Municipal By-law Enforcement Officer* may enter a *Property* at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.
- (3) During an inspection, a *Municipal By-law Enforcement Officer* must display or produce on demand, his or her identification.
- (4) A *Municipal By-law Enforcement Officer* may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts, and must provide a receipt for any document or thing removed, which must be promptly returned after the copies or extracts are made;
 - (c) require information from any *Person* concerning a matter related to the inspection; and
 - (d) 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.
- (5) A *Municipal By-law Enforcement Officer* who finds a contravention of this By-law may give a written *Order* to the *Landlord* requiring compliance with this By-law and may require him or her to do work to correct the contravention of this By-law within the time period specified in the *Order*, and the *Landlord* shall comply with the *Order*.
- (6) The *Order* in section 5.0(5) may be served in person to whom it is directed or by registered mail to the last known address of that *Person*, in which case it shall be deemed to have been given on the fifth day after it is mailed.

- (7) If the address of the *Landlord* is unknown, or the *City* is unable to serve the *Landlord* under section 5.0(6), a placard stating the terms of the *Order* in 5.0(5) shall be placed in a conspicuous place on the *Property* on which the *Rented Residential Unit* is located and shall be deemed to be sufficient notice to the *Landlord*.
- (8) If the *Order* has not been complied with within the required timeframe, the *City*, or any of its authorized agents, may enter onto a *Property* at any reasonable time for the purpose of performing the work required to correct the contravention of this By-law.
- (9) Notwithstanding section 5.0(2) and 5.0(8), no *Municipal By-law Enforcement Officer*, or any authorized agent of the *City*, shall enter or remain in any room or place actually being used as a dwelling unless the consent of the occupier is obtained, with the occupier having first been informed that the right of entry may be refused and, if refused, entry may only be made under the authority of an order issued under section 438 of the *Municipal Act*, or a warrant issued under sections 439 or 386.3 of the *Municipal Act*.
- (10) No *Person* shall hinder or obstruct or attempt to hinder or obstruct the *City* or its *Municipal By-law Enforcement Officers* or any other person in the exercise of a power or performance of a duty under the *Municipal Act* or this By-law.

6.0 Fines

- (1) Every *Person* who is guilty of an offence under this By-law shall be subject to the following fines:
 - (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and

- (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.
- (2) If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- (3) If an *Order* has been issued under this By-law and the *Order* has not been complied with, then such non-compliance with the *Order* shall be deemed to be a continuing offence for each day or part of a day that the *Order* is not complied with.
- (4) In addition to a fine or fines provided for in this section, every *Person* who gains an economic advantage from contravening this By-law, or from not complying with an *Order* issued in accordance with this By-law, is liable to a special fine in an amount equal to the fair market value of the economic advantage obtained from the contravention.
- (5) Every *Person* who is issued a fine under this By-law may request a review of the matter in accordance with the *Provincial Offences Act*.

7.0 Administrative Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, for a breach of any provisions of this By-law, a *Municipal By-law Enforcement Officer* may issue an administrative penalty to the *Person* who has contravened the By-law, as per the *Administrative Penalties By-law*.
- (2) If a *Person* is required to pay an administrative penalty under subsection 7.0(1), no charge shall be laid against the same *Person* for the same breach.
- (3) The amount of the administrative penalty for a breach under this By-law is \$400.
- (4) Every *Person* who contravenes this By-law, may be subject to an administrative penalty on each subsequent day in which the contravention continues.

- (5) If an *Order* has been issued under this By-law and the *Order* has not been complied with, the *Person* to whom the *Order* was issued to may be subject to an administrative penalty on each day the *Order* is not complied with.
- (6) A *Person* who is issued an administrative penalty shall be subject to the procedures provided for in the *Administrative Penalties By-law*.

8.0 Cost Recovery and Unpaid Fines and Penalties

- (1) Where the *City*, *Municipal By-law Enforcement Officers*, or authorized agents have performed work to remedy a violation of this By-law, all expenses incurred by the *City* in doing the work as well as any related costs and fees, shall be deemed to be a debt to the *City* and may be collected by the *City* by legal action or added to the tax roll and collected in the same manner as taxes.
- (2) The *Treasurer* of a municipality may add any unpaid fines or administrative penalties to the tax roll for any *Property* in the *City*, for which all of the owners are responsible for paying the fines or administrative penalties, and collect it in the same manner as municipal taxes.

9.0 Severability

- (1) If any provision of this By-law or the application thereof to any *Person* or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

10.0 Designated By-law

- (1) This is a *Designated By-law* as per Schedule 1 of the *Administrative Penalties By-law*.

11.0 Force and effect

- (1) This By-law shall come into force and effect on the date enacted by Council.

Voted in favour by City of Vaughan Council this 28th day of January, 2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

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Authorized by Item No. 14 of Report No. 1 of the Committee of the Whole.
Report adopted by Vaughan City Council on January 28, 2025.
City Council voted in favour of this by-law on January 28, 2025.
Approved by Mayoral Decision MDC 001-2025 dated January 28, 2025.
Effective Date of By-Law: January 28, 2025