

I, Olga Smith, City Clerk of The Corporation of the City of Waterloo, hereby certify this to be a true copy of By-law No. 2017-001 of the City of Waterloo.

March 13, 2017

Date

Olga Smith

Signature



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2017 - 001

BY-LAW TO REGULATE ADEQUATE HEAT IN RENTAL DWELLINGS

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, s. 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001 c. 25, s. 11, gives the municipality broad authority to pass by-laws respecting the health, safety, and well-being of persons.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. DEFINITIONS

"adequate and suitable heat" means that the minimum temperature of the air in the dwelling unit shall be 21 degrees Celsius (21°C).

"City" shall mean The Corporation of the City of Waterloo and, where the context allows, shall include its agents and employees.

"dwelling unit" means one or more habitable rooms designed and intended for human habitation.

"officer" shall mean a by-law enforcement officer, or a municipal law enforcement officer of the City.

"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 or any other person or who would so receive the rent if such land and premises were let.

2. INSPECTION AND ENFORCEMENT POWERS

- (a) Every officer shall be authorized to enforce the provisions of this By-law.
- (b) Every officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether the provisions of this By-law are being complied with.
- (c) Entry by an officer, to a dwelling unit, shall be in accordance with the provisions of section 437 of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- (d) Every officer may require information from any person concerning a matter related to the inspection, in accordance with section 436 of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- (e) Every officer may, in writing, extend any of the time frames for compliance in this By-law where it is reasonable in the circumstances to do so.

3. OWNER RESPONSIBILITY

- (a) Every owner of a dwelling unit which is rented or leased and which is to be heated by or at the expense of the owner shall provide the dwelling unit with adequate and suitable heat at the owner's expense.
- (b) Every owner served with an order pursuant to section 4(a) of this by-law shall comply with the order.

4. ORDER

- (a) An officer who believes a contravention of this by-law exists, may make an order to require the owner to take measures to ensure that adequate and suitable heat is provided to the dwelling unit.
- (b) An order shall set out the deadline by which the contravention shall be rectified.
- (c) An order may be served to the owner personally, sent by email or by mail.

5. GENERAL PROVISIONS

Space heaters shall not be used as a heat source for the purposes of obtaining compliance with the provisions of this by-law except:

- (a) on a temporary basis as reasonably necessary; and
- (b) where powered solely by electricity.

6. REMEDIAL ACTION

If a person fails to do a matter or thing, including to comply with an order under this by-law, as directed or required by this by-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

7. OBSTRUCTION

- a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- b) A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of s. 7(a) unless the officer is acting under a warrant under Section 439 of the *Municipal Act, 2001*, or in the circumstances described in clauses 437(d) or (e) of the *Municipal Act, 2001*.

8. ENFORCEMENT

- a) Every person, other than a corporation, who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of cost.
- b) Every corporation who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Fifty Thousand Dollars (\$50,000), exclusive of costs.

- c) A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and is liable, upon conviction, to a fine in accordance with s. 8(a) or (b).

9. COMPLIANCE WITH OTHER BY-LAWS

Compliance with this by-law shall not relieve any person from compliance with any other City by-law.

10. SEVERABILITY

Each and every of the provisions of this By-law is severable and if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

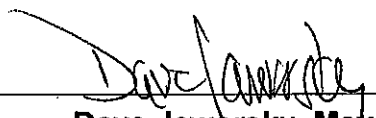
11. REPEAL

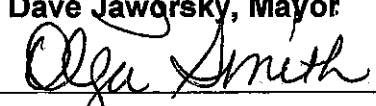
- a) By-law 3329 of the City, as well as any amendments thereto, is hereby repealed.
- b) Chapter 732 of the City of Waterloo Municipal Code, as well as any amendments thereto, is hereby repealed.

12. This by-law shall come into force and effect on the date of its final passing.

Enacted this 16th day of January, 2017.

Approval	Date	Print Name	Initials
COMM	Dec 20/16	Shayne Turner	ST
Legal	Dec 21/16	Devin Cross	DC
Finance	N/A	N/A	N/A



Dave Jaworsky, Mayor


Olga Smith, City Clerk