

BY-LAW NO. 2022 - XXX

A by-law of the City of Ottawa respecting the permitting and regulation of vacant buildings and vacant lands.

WHEREAS a municipality may pass by-laws respecting the health, safety, and well-being of persons, the protection of persons and property, and structures including fences and signs, pursuant to paragraphs 6, 8 and 10 of subsection 10(2) of the *Municipal Act, 2001*,

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* further authorizes municipalities to regulate and prohibit and to require persons to do certain things respecting a matter such as obtaining a permit,

AND WHEREAS subsection 128(1) of the *Municipal Act, 2001* also provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that are or could become or cause public nuisances in the opinion of Council,

AND WHEREAS a municipality may order a person to take action to correct a by-law violation and can undertake the work if the person fails to do so and recover its costs pursuant to Section 445 of the *Municipal Act, 2001*,

AND WHEREAS vacant buildings and vacant lands in the City of Ottawa have been the source of community complaints and have generated requests for City services regarding property standards and maintenance issues, solid waste, vandalism graffiti, and other nuisances that cause negative community impacts, and vacant buildings that are also heritage buildings are of particular concern since they contribute to the deterioration or loss of built heritage resources if they are not properly maintained,

AND WHEREAS a permit system for vacant buildings and vacant lands is desirable to identify vacant properties and require their owners to be accountable for their maintenance in accordance with prescribed standards and requirements so as to reduce or mitigate the negative impacts of vacancy,

NOW THEREFORE the City of Ottawa enacts as follows:

PART I – GENERAL PROVISIONS

DEFINITIONS

1. In this by-law:

“accessory building” means a detached subordinate building that is devoted exclusively to a use normally incidental to the main use of the property and is not intended for use as human habitation;

“agricultural use” means the cultivation of the soil to produce crops and the raising of farm animals, and without limiting the generality of the foregoing includes:

- (a) the growing of crops;
- (b) nurseries, greenhouses, market gardens, orchards, vineyards, agro-forestry operations and maple syrup production;
- (c) the keeping and raising of livestock, fowl, fish, bees or fur or wool bearing animals;
- (d) farm-based home industry involving the production of value-added or value-retained products from produce grown or raised on-site; and
- (e) a farm produce outlet selling agricultural products produced on the premises;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and includes any regulations passed under it;

“By-law Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an officer, inspector or municipal law enforcement officer;

“catastrophic event” means a natural or human-made incident that results in substantial damage or loss requiring major financial resources to repair or recover, including but not limited to fire, tornado, earthquake, flood, or other disaster, to the satisfaction of the Director;

“City Solicitor” means the City Solicitor of the City of Ottawa, or an authorized representative;

“Contact Notice” means a sign posted on vacant property in accordance with this by-law for the purpose of providing a contact telephone number to members of the public;

“community housing” means non-profit rental housing or co-operative housing funded in whole or in part by a legally prescribed government program;

“Director” means the Director of By-law and Regulatory Services of the City of Ottawa, or an authorized representative;

“greenspace” means lands designated as Park, Open Space, Urban Natural Feature, Significant Wetland, Natural Environment Area or Conservation Area under the Official Plan;

“Insurance Act” means the *Insurance Act*, R.S.O. 1990, c. I.8, as amended, and includes any regulations passed under it;

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and includes any regulations passed under it;

“Official Plan” means the City of Ottawa Official Plan, as adopted by City Council and amended from time to time, or any future Official Plan adopted by the Council of the City of Ottawa;

“Ontario Building Code” means O. Reg. 332/12: Building Code under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“Ontario Heritage Act” means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, and includes any regulations passed under it;

“owner” means the registered title holder of the vacant building or vacant land or their authorized agent;

“Permanent Signs on Private Property By-law” means the Permanent Signs on Private Property By-law of the City of Ottawa (By-law No. 2016-326), as amended, or any successor by-law thereto;

“permit” means a permit for a vacant property under this by-law;

“principal residence” means:

- (a) the residential unit that is owned or rented by a person, alone or with others, where the person is ordinarily resident and makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related identification, taxation and insurance purposes, driver’s licenses, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information; and

(b) where the person has no other property designated as such within the City of Ottawa or any other jurisdiction;

"proof of insurance" means a certified copy of a policy of insurance or a Certificate of Insurance that shows the proof of liability coverage as required by this by-law and issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the Insurance Act;

"property manager" means any person who serves as an agent to an owner for the purposes of managing property maintenance or other services related to a vacant property;

"Property Standards and License Appeals Committee" means the Property Standards and License Appeals Committee established by the Council of the City of Ottawa pursuant to By-law No. 2002-189, being a by-law of the City of Ottawa respecting the licensing, regulating and governing of certain businesses, as amended;

"Property Standards By-law" means the Property Standards By-law of the City of Ottawa (By-law No. 2013-416), as amended, or any successor by-law thereto;

"Provincial Offences Act" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and includes any regulations passed under it;

"semi-detached dwelling" means a residential use building containing two attached principal dwelling units that are divided vertically, with each unit having lot frontage;

"Signs on City Roads By-law" means the Signs on City Roads By-law of the City of Ottawa (By-law 2003-520), as amended, or any successor by-law thereto;

"Statutory Powers Procedure Act" means the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as amended, and includes any regulations passed under it;

"Temporary Signs on Private Property By-law" means the Temporary Signs on Private Property By-law of the City of Ottawa (By-law No. 2004-239), as amended, or any successor by-law thereto;

“townhouse dwelling” means a residential use building containing three or more attached principal dwelling units divided vertically, but does not include a townhouse dwelling that is part of a condominium corporation for the purposes of this by-law;

“vacant building” means an entire building, or one principal dwelling unit of a semi-detached dwelling or a townhouse dwelling, where all of its lawful occupants have moved out or left and that is wholly unoccupied and that has not been used for a purpose consistent with the Zoning By-law;

- (a) for a period of one hundred and twenty (120) consecutive days; or,
- (b) as a result of a catastrophic event.

“vacant land” means lands, other than greenspace lands or a legally authorised parking lot, with no buildings and not devoted to the practice of farming;

“vacant property” means a vacant building or vacant land; and

“Zoning By-law” means the Zoning By-law of the City of Ottawa (By-law No. 2008-250), as amended, or any successor by-law thereto.

INTERPRETATION

- 2. (1) In this by-law:
 - (a) person may refer to a natural person, partnership, or corporation, as the context requires;
 - (b) any references to words in the plural include the singular, as applicable, unless used with a number modifying the term;
 - (c) the reference to a day in this by-law shall mean a calendar day, unless the by-law specifically indicates otherwise;
 - (d) a reference to one gender includes the other;
 - (e) the Schedules annexed to the by-law are declared to form part of the by-law; and
 - (f) headings are for reference only and shall not affect the meaning or

interpretation of this by-law.

- (2) The provisions of the by-law are severable. If any provision, Section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, Sections or words.
- (3) Where notice is sent by registered mail pursuant to this by-law, the date of service is deemed to be two (2) business days following the date of mailing to any address within the City of Ottawa and five (5) business days for addresses in any other jurisdiction, unless the by-law states otherwise.
- (4) Any email sent in accordance with this by-law shall be deemed to have been received by the addressee on the day that it is sent.

PART II –PERMITS

GENERAL

3. No owner of a vacant property shall fail to obtain a permit under this by-law:
 - (a) once the property becomes vacant; or
 - (b) when ordered to obtain a permit by the Director.
4.
 - (1) No owner of a vacant property shall fail to hold a permit under this by-law for the period of vacancy.
 - (2) For the purposes of subsection (1), the period of vacancy shall commence on the day the property becomes vacant and shall end:
 - (a) on the date of issuance of an occupancy permit issued under the Ontario Building Code; or
 - (b) on the date determined by the Director, based on evidence that the building or the land is in use for a purpose consistent with the Zoning By-law.

- (3) The permit holder shall notify the Director in writing when the property has been re-occupied and provide evidence satisfactory to the Director that the conditions of subsection (2) have been met.
 - (4) The permit holder shall notify the Director in writing if the property is sold.
5. A permit issued under this by-law is valid only for the person and municipal address that is indicated on the permit.
6. Every holder of a permit shall comply with this by-law and with any conditions specified in the permit.

EXEMPTIONS

7. (1) The following properties are exempt from this by-law:
- (a) a property that is the principal residence of the owner or a lawful occupant, to the satisfaction of the Director;
 - (b) a property occupied by the owner, or a person authorized by the owner, on a seasonal basis.
 - (c) a property that is not designated under the Ontario Heritage Act, in rural zones AG, ME, MR, RC, RG, RH, RI and RU, as designated by Part 13 of the Zoning By-law;
 - (d) a property within the core natural area established in Annex 16 of the Official Plan or in any successor Official Plan;
 - (e) a property with agricultural use;
 - (f) greenspace; and
 - (g) property owned by the City of Ottawa.
- (2) Owners of vacant properties are exempt from paying the permit fee required under this by-law under the following conditions:
- (a) When a building or land is vacant due to a catastrophic event, the owner shall be exempt from the permit fee, as specified in Schedule "A", for a maximum period of two (2) years following the commencement of vacancy,

- (b) When the owner of a building is a community housing provider, the owner shall be exempt from the permit fee, as specified in Schedule “A”, for a maximum period of two (2) years following the commencement of vacancy,
- (c) When a building has become vacant due to the owner being in care in a hospital, hospice, long-term care facility, assisted living residence, or home for special care, the owner shall be exempt from the permit fee, as specified in Schedule A, for a maximum period of two (2) years following the commencement of vacancy.
- (d) When a building or land has become vacant due to the death of the owner, the owner’s authorized representative shall be exempt from the permit fee, as specified in Schedule “A”, for a maximum period of two (2) years following the commencement of vacancy.

APPLICATION FOR PERMIT

8. (1) An applicant for a permit shall provide the Director with the following:
- (a) a completed application, in a form satisfactory to the Director, containing:
 - (i) the full name of the owner together with proof of ownership of the vacant building or vacant land;
 - (ii) the municipal address of the vacant building or vacant land;
 - (iii) the address of a place in the Province of Ontario, which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this by-law and at which the applicant or the applicant’s agent will accept receipt of such notice, documentation or communication;
 - (iv) a telephone number of the applicant;
 - (v) an email address of the applicant, if available;
 - (vi) where applicable, the contact information of the property manager of the applicant, including:
 - a. the name of the property manager
 - b. the address of a place in the Province of Ontario,

which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this by-law and at which the property manager or an agent will accept receipt of such notice, documentation or communication;

- c. a telephone number of the property manager; and,
 - d. an email address of the property manager, if available.
- (vii) any other information required by the Director in respect of the issuance or renewal of a permit under this by-law;
- (b) satisfactory proof that the owner and property manager, if any, are at least eighteen (18) years of age;
 - (c) proof of insurance coverage that complies with Section 22;
 - (d) a letter from the applicant's insurance provider or insurance broker indicating that the applicant has declared the building or land vacant;
 - (e) a declaration signed by the applicant confirming that he or she is aware of and will comply with the requirements of this by-law; and,
 - (f) payment in full of all applicable fees specified under Schedule A.
- (2) The applicant is responsible for obtaining and submitting the information required under subsection (1), at the applicant's costs.
- (3) The Director is authorized to waive the requirements of clause (c) of subsection (1) and of Sections 22 and 23 where the Director has been presented with satisfactory proof that insurance is not available.

9. The Director is authorized to receive and consider applications for permits, to conduct all investigations necessary to ensure that a permit is issued in accordance with this by-law, and to issue a permit in accordance with this by-law.

10. The Director shall refuse to issue a permit if the application requirements in Section 8 have not been met.

11. The Director shall refuse to issue a permit to any applicant who has a record of any unpaid user fees with the City of Ottawa or unpaid fines imposed under the Provincial Offences Act.

CONDITIONS ON A PERMIT

12. (1) The Director is authorized at any time to impose conditions on a permit, including but not limited to conditions related to the health, safety and well-being of persons, the protection of persons or property, and the control of noise or other nuisances.
- (2) A condition imposed under subsection (1) shall be indicated in writing to the permit holder on the permit or by letter.

ISSUANCE OF A PERMIT

13. (1) A permit issued under this by-law shall specify:
 - (a) the name of the permit holder;
 - (b) the municipal address of the building or land to which the permit relates;
 - (c) the permit serial number;
 - (d) the date of issuance of the permit;
 - (e) the date vacancy commenced;
 - (f) the expiry date of the permit;
 - (g) any conditions imposed on the permit under Section 12 of this by-law, and
 - (h) any other information deemed necessary by the Director.
- (2) A permit issued under this by-law is valid for no more than 365 consecutive days.

RENEWAL AND REPLACEMENT

14. A permit holder may renew a permit within thirty (30) days prior to the expiry date by applying in the same manner as if it was an original application made under this by-law.

15. A permit holder may receive a replacement copy of their permit by submitting a written request to the Director and paying the fee prescribed in Schedule A.

REFUNDS

16. The Director shall issue to the permit holder a refund of fifty (50) percent of the permit fee if the vacancy of the property indicated on the permit has ended within three (3) months of the date of issuance of the original or renewed permit.

PART III – GENERAL ADMINISTRATIVE AND REGULATORY PROVISIONS

GENERAL REQUIREMENTS

17. (1) No person shall give false or incorrect information for the purposes of obtaining a permit under this by-law.
- (2) No person shall publish or cause to be published any representation that they are the holder of a valid permit if they do not hold a valid permit under the by-law.
- (3) No permit holder shall fail to notify the Director in writing of any change in any of the information provided with or contained in an application for a permit within seven (7) calendar days of the change.
- (4) No permit holder shall alter, erase, or modify the permit, or allow the alteration, erasing or modification of the permit.
- (5) Every permit holder shall be governed by this by-law and comply with all other municipal by-laws and provincial and federal statutes and regulations.

OWNER OBLIGATIONS

18. (1) No owner shall fail to attend a vacant property at least once every fourteen (14) days, or as otherwise directed by the Director, for the purpose of identifying and remediating any violations of municipal by-laws on the property.
- (2) No owner shall fail to maintain a log of activities required under subsection (1), including the date the property was visited and any remedial actions undertaken.
- (3) No person shall fail to produce the log required under subsections (1) and

(2) to a By-law Officer upon request.

19. (1) No owner shall fail to notify the Director of any existing conditions on the property which may pose a hazard to visitors, service or utility providers, first responders, or any other person on the vacant building or vacant land;
- (2) No owner shall fail to provide the notice required under subsection (1) to the Director within 24 hours after the owner becomes aware of the hazardous condition.
20. When directed by the Director, no owner shall fail to secure any vacant building, accessory building, or vacant land, or any portion thereof, against unauthorized entry, to the satisfaction of the Director.

CONTACT NOTICE

21. (1) No owner of a vacant building shall fail to post a Contact Notice in the manner prescribed by this by-law.
- (2) Every owner shall ensure that the Contact Notice required under subsection (1) conforms to the specifications and placement prescribed in Schedule B of this by-law.
- (3) Every owner shall ensure that the phone number listed on the Contact Notice required under subsection (1) is in service, up to date, and actively monitored.
- (4) The provisions of the Permanent Signs on Private Property By-law, the Temporary Signs on Private Property By-law, and the Signs on City Roads By-law do not apply to any Contact Notice required under this by-law.

INSURANCE

22. (1) No permit holder shall fail to maintain insurance as required under this by-law.
- (2) No permit holder shall fail to keep the insurance policy required under this by-law in force for the period for which the permit is in effect, inclusive of any renewal period.
23. (1) Every permit holder shall have and maintain third party liability insurance

that includes the following:

- (a) coverage for the vacant building or vacant land that is the subject matter of the permit, and any structures on the vacant land, and,
 - (b) a limit of liability of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for personal injury, bodily injury, death, and damage to property, including loss of use thereof.
- (2) An insurance policy required under this by-law shall include a provision that the City will be notified with no less than thirty (30) days written notice of any cancellation, where available.
 - (3) An insurance policy required under this by-law shall name the City of Ottawa as additional insured, where available.
 - (4) Any lapse in maintaining the insurance coverage required in this by-law invalidates any permit issued under this by-law.
 - (5) The insurance provided in accordance with subsection (1) shall be to the satisfaction of the City Solicitor.
 - (6) The City Solicitor is authorized to approve alternative but equivalent insurance coverage to what is required in subsection (1).

INDEMNIFICATION

24. Any permit holder issued a permit under this by-law shall indemnify and save harmless the City of Ottawa from any and all claims, demands, causes of action, loss, costs, or damages that the City may suffer, incur or be liable for resulting from any performance or non-performance of the permit holder as set out in the by-law or any activities occurring in connection with the permitted property, whether with or without negligence on the part of the permit holder, the permit holder's employees, directors, contractors, agents and volunteers.

PART IV – ADMINISTRATION AND ENFORCEMENT

NOTICE OF VIOLATION

25. (1) Where the Director determines that a contravention of this by-law has

occurred in respect of a vacant property, the Director may issue a notice of violation to the owner to complete necessary work to rectify the contravention, at the owner's expense.

- (2) A notice of violation issued under subsection (1) shall include:
 - (a) reasonable particulars of the contravention sufficient to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the work required to rectify the contravention and the date by which the work must be done.
- (3) A notice of violation issued under subsection (1) may be served personally, posted in a conspicuous location on the property where the contravention occurred, or be sent by registered mail to the last known address of the owner.
- (4) A notice of violation is deemed to be received
 - (a) on the same day it is served personally;
 - (b) on the same day that it is posted in a conspicuous place on the property where the contravention occurred; or
 - (c) on the third business day following the acceptance of the notice of violation by Canada Post for delivery to the owner through registered mail.
- (5) When the work required by a notice of violation issued under subsection (1) has not been completed as required, the Director may cause the work to be completed at the owner's expense and may add the costs to the tax roll and collecting them from the owner in the same manner as property taxes.
- (6) Any person who fails to comply with a notice of violation issued under subsection (1) is guilty of an offence.

REFUSAL OF PERMIT

26. (1) The Director may refuse to issue or renew a permit if an investigation undertaken pursuant to Section 8 discloses any reason to believe that the

issuance or renewal may result in a breach of this by-law or another by-law, or be adverse to the public interest or to public health or safety.

- (2) The Director shall inform the applicant either orally or in writing of the reasons for a refusal to issue or to renew a permit.

SUSPENSION OF PERMIT

27. (1) In addition to any other penalty that may be imposed under this by-law, the Director may at any time suspend without notice a permit under this by-law in the case of a violation of this by-law.
 - (2) The Director shall inform the permit holder orally or in writing of the reasons for suspension under subsection (1).
 - (3) The Director may reinstate the permit upon determining that the violation has been corrected.

REVOCACTION OF PERMIT

28. (1) In addition to any other penalty under this by-law, the Director may at anytime revoke without notice a permit under this by-law if:
 - (a) the permit holder has not complied with the requirements of this by-law;
 - (b) the permit was issued or renewed due to a technical or clerical error;
 - (c) the permit holder provided incorrect, false, or misleading information to the Director;
 - (d) In the case of a revocation pursuant to subsection (1), the Director shall immediately provide notice orally or in writing of the revocation with reasons to the permit holder at the address or at the coordinates provided in the permit application.

REQUEST FOR REVIEW

29. (1) Any person may request a review by the Property Standards and License Appeals Committee of a decision of the Director to refuse to issue or renew a permit, to impose a condition on a permit, or to suspend or revoke a permit under this by-law by filing a request for review in writing with the

Director within fourteen (14) days of having received the Director's notice of refusal, suspension or revocation, as the case may be.

- (2) Any person may request a review by the Property Standards and License Appeals Committee of a decision of the Director to issue Work Order under this by-law by filing a request for review in writing with the Director within fourteen (14) days of the effective date established by subsection (4).
- (3) Upon receipt of a request for review pursuant to subsection (1) or subsection (2), the Director shall determine a date with the Committee Coordinator of the Property Standards and License Appeals Committee for the review hearing by the Property Standards and License Appeals Committee, which shall be at least fourteen (14) days from the receipt of the request.
- (4) Upon determination of the review hearing date, the Director shall give notice in writing to the applicant, which shall:
 - (a) include a statement,
 - (i) as to the time, date, place, and purpose of the review hearing, and
 - (ii) that, if the applicant does not attend the review hearing, the Property Standards and License Appeals Committee may proceed in the absence of the applicant and the applicant will not be entitled to any further notice, and,
 - (b) be served personally or by registered mail to the applicant at the address last on file with the Director.

REVIEW HEARING

30. (1) The Property Standards and License Appeals Committee shall hold the review hearing at the time, place, and date set out in the notice referred to in subsection (4) of Section 29.
- (2) A majority of three (3) members of the Property Standards and License Appeals Committee constitutes a quorum.
- (3) The applicant may be represented at the review hearing by counsel, and

the applicant or the counsel shall have the right to adduce evidence, submit argument in support of the application for a permit or the status quo of the permit, and cross-examine witnesses adverse in interest.

- (4) The City shall be represented at the review hearing by either the Director or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant.
- (5) At the review hearing, the onus shall be upon the applicant to show cause why,
 - (a) the permit applied for should be granted,
 - (b) the permit should not be suspended or revoked, or
 - (c) the condition should not be placed on the permit.
- (6) All review hearings shall be public hearings unless the applicant requests that the hearing be held in camera and the Property Standards and License Appeals Committee may approve the request by a simple majority in accordance with the Statutory Powers Procedure Act.
- (7) The Property Standards and License Appeals Committee is authorized to make the final decision in respect of the revocation or suspension of any permit under this by-law, or the imposition of any conditions on a permit.
- (8) The Property Standards and License Appeals Committee, after a hearing, may revoke a permit under this by-law for cause and without limiting the generality of the foregoing for:
 - (a) a breach of the law,
 - (b) anything which may be in any way adverse to the public interest,
 - (c) any other matter which the Property Standards and License Appeals Committee is authorized by law to consider, or
 - (d) any violation of the provisions of this by-law.
- (9) The Property Standards and License Appeals Committee may suspend a permit under this by-law for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as

provided in subsection (8).

- (10) The Property Standards and License Appeals Committee may impose conditions as a requirement of obtaining, continuing to hold or renewing a permit, including special conditions.
- (11) The Property Standards and License Appeals Committee's decision shall be final and binding.

PROPERTY STANDARDS AND LICENSE APPEALS COMMITTEE DECISION

31. The Property Standards and License Appeals Committee shall give its decision in writing to the Director within seven (7) days of the date of the completion of the review hearing.

WAIVER OF HEARING

32. Despite any of the provisions of this by-law, where the applicant has waived such hearing or compliance, any proceedings may be disposed of by a decision of the Property Standards and License Appeals Committee given:

- (a) without a hearing; or
- (b) without compliance with any other requirements of the Statutory Powers Procedure Act or of this by-law incorporating such requirements.

IMPLEMENTATION OF PROPERTY STANDARDS AND LICENSE APPEALS COMMITTEE DECISION

- 33. (1) The Director shall notify the applicant of the decision of the Property Standards and License Appeals Committee by serving a copy personally or by registered mail to:
 - (a) the applicant at the address shown on the application, or last on file with the Director, or
 - (b) the counsel or agent of the applicant, if any, at the address as stated to the Property Standards and License Appeals Committee.
- (2) If the decision rendered by the Property Standards and License Appeals Committee is to grant the applicant the permit, the permit shall be issued.

OFFENCES AND PENALTIES

34. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act.
35. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
36. (1) Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500 and to a maximum fine not exceeding \$100,000 for each day that the offence occurs or continues pursuant to subsection 429(3) of the Municipal Act, 2001, and all such offences are designated as continuing offences as provided for in subsection 429(2), paragraph (a), of the Municipal Act, 2001.
- (2) In addition to subsection (1), the total of all daily fines for a continuing offence is not limited to \$100,000 as provided for in subsection 429(3), paragraph 2, of the Municipal Act, 2001.
- (3) When a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence by the person convicted;

ENFORCEMENT

37. This by-law shall be enforced by a By-law Officer.
38. A By-law Officer is authorized to enter on any land at any reasonable time for the purposes of conducting an inspection of any portion of the property that is not actually being used as a residential unit.
39. During an inspection conducted under Section 38, a By-law Officer may himself or herself or with the assistance of any other person:
- (a) require the production for inspection of any document or thing relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for

the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to the inspection;
- (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;
- (e) a sample taken under paragraph (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,
 - i. the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
 - ii. it is technically feasible to divide the sample;
- (f) if a sample is taken under paragraph (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken;
- (g) a receipt shall be provided for any document or thing removed under paragraph (d) and the document or thing shall be promptly returned after the copies or extracts are made; and
- (h) 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.

40. No person shall hinder or obstruct a By-law Officer or any person assisting them during an inspection conducted under Section 38 or activities undertaken under Section 39.

SHORT TITLE

41. This by-law may be referred to as the “Vacant Property By-law”.

EFFECTIVE DATE

42. This by-law shall come into force and effect on November 1, 2022.

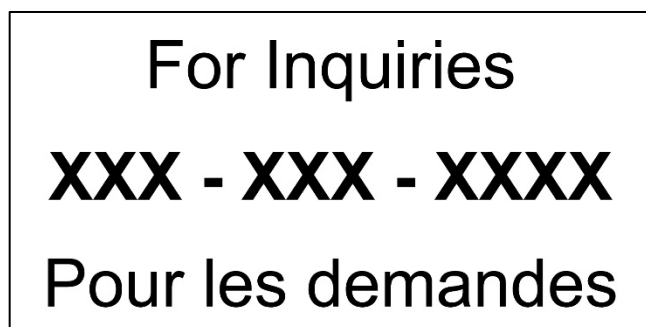
SCHEDULE A

Table 1 - Schedule of fees

Service	Fee	Expiry Date (from date of issuance of permit)
Permit	\$57 Administration Fee + \$1,450 Permit Fee	1 years
Replacement copy of a permit	\$20	Not applicable

SCHEDULE B

Figure 1 - Contact Notice



Dimensions

610 mm wide by 305 mm high (24 inches x 12 inches)

Content

- Must include only the information set out in Figure 1
- The text “For Inquiries” and “Pour les demandes” in Black 180-point Arial font
- The appropriate contact phone number in Black 180-point Arial Bold font

Material

- Must have a white background with a matte finish to reduce glare
- Must be produced on a durable, weather-resistant material

Placement of contact notice

- Must be non-illuminated
- Must be securely installed and maintained so that it does not become unsafe or unsightly.
- **Non-heritage buildings** - contact notice shall be affixed in a conspicuous location on the main entrance façade of the building, or on the gate of site hoarding, if present.
- **Buildings designated under Part IV or Part V of the Ontario Heritage Act** - contact notice must be affixed as above, but must not be installed on a brick, wood or stone wall unless it is attached to the wall of the building or structure fastened into the mortar joints and not through the brick masonry itself.