

By-Law 76-2006

of The Corporation of the City of Oshawa

being a by-law to require the maintenance of adequate and suitable heat for certain leased or rented dwellings or living accommodation in the City of Oshawa.

Whereas Paragraph 130 of the *Municipal Act*, RSO 2001 chapter 25, as amended, authorizes the Council of the municipality to pass by-laws requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodations when such is provided by or at the expense of the landlord, defining adequate suitable heat for such purposes, and providing for the inspection of such dwelling or living accommodations.

Be it enacted and it is hereby enacted as a by-law of The Corporation of the City of Oshawa by the Council thereof as follows:

Short Title

1. This by-law may be cited as the "Adequate Heat By-law".

Definitions

2. In this by-law,
 - (a) "adequate and suitable heat" shall mean a minimum air temperature of at least 22 degrees Celsius (72.1°F); and
 - (b) "Officer" means a Municipal Law Enforcement Officer appointed by the Council of the City of Oshawa.

Offence

3. It shall constitute an offence for the landlord, owner or tenant in the case of a sub-tenancy, of every rented or leased dwelling or living accommodation, which is normally heated by or at the expense of the landlord, owner or tenant in the case of a sub-tenancy, to fail to maintain in such dwelling or living accommodation adequate and suitable heat at all times between September 1st of each year and June 15th of the following year. (98-2019)

Inspection

4. Upon the request of any tenant, sub-tenant, lessee or occupant, an Officer may enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant, sub-tenant, lessee, or occupant is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation.

Penalty

5. No Person shall fail to comply with any provision or standard of this By-law. (127-2022)
 - 5.1 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (98-2019)
 - 5.2 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty for each affected unit for each day or part of a day on which the contravention occurs or continues. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of this By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Person receives an additional penalty notice for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2)

administrative penalty amount for that contravention in the amount of \$350. If the Person receives a subsequent penalty notice for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$450. If the Person receives any subsequent penalty notices for the same contravention of the By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$450. (98-2019, 127-2022)

5.3 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, shall be liable to the penalties as prescribed by the Provincial Offences Act, R.S.O. 1990 chapter P.33. (127-2022)

Repeal

6. By-law 123-91 is hereby repealed.

Effective Date

7. This by-law shall come into effect on as of the date of its passing.

By-law approved this twenty-third day of May, 2006.

2006 05 26